

VOL. VII

56-156Z

L.A. Grand Jury Transcript
RE: L.A. County Clerk Office

Dated 8/19/71 - 8/23/71
Pg. 477-690

pg. 477-690

C. D. Freedman

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FBI - CENTRAL RECORDS CENTER

LA - LOS ANGELES

PG. 477-690

Class / Case #	Sub	Vol.	Serial #
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8/11/1203083



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INVESTIGATION

Bureau File Number 62-582

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1 THE GRAND JURY OF THE COUNTY OF LOS ANGELES
2 STATE OF CALIFORNIA

3 * * * * *

4
5 THE PEOPLE OF THE STATE OF CALIFORNIA,)

6 Plaintiff,)

7 vs.)

8 SIRHAN BISHARA SIRHAN,)

9 Defendant.)

No. A-233,421

10 SEP 7 1971

11
12 REPORTER'S TRANSCRIPT OF GRAND JURY PROCEEDINGS

13 AUGUST 19, 1971

14 AUGUST 23, 1971

15 VOLUME 3 of 3 VOLUMES

16 Pages: 477 - 690, incl.

17 APPEARANCES:

18
19 (See Volume 1.)
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1 LOS ANGELES, CALIFORNIA, THURSDAY, AUGUST 19, 1971

2 9:30 A. M.

3 --oOo--

4
5 THE FOREMAN: Let the record show the Grand Jury has
6 reassembled and the court reporter is present.

7 The Secretary may call the roll.

8 (Thereupon, the Secretary complies with the Foreman's
9 request.)

10 THE SECRETARY: There are twenty-one Grand Jurors
11 present.

12 THE FOREMAN: The record may show the same twenty-one
13 Grand Jurors are present that have been present since the
14 inception of this case.

15 You may proceed, Mr. Hecht.

16 MR. HECHT: Mr. John Walker.

17 (Thereupon, the witness, John M. Walker, was then
18 escorted into the Grand Jury Hearing Room by the Sergeant
19 At Arms.)

20
21
22 JOHN M. WALKER,
23 called as a witness before the Grand Jury, was duly sworn as
24 follows:

25 THE FOREMAN: You do solemnly swear that the
26 evidence you shall give in this matter now pending before
27 the Grand Jury of the County of Los Angeles shall be the
28 truth, the whole truth, and nothing but the truth, so help

1 you God?

2 THE WITNESS: I do.

3
4
5 EXAMINATION

6 BY MR. HECHT:

7 Q Good morning, Mr. Walker.

8 Can you tell us what your occupation is?

9 A I am head of the court services in the central
10 district criminal division, County Clerk's Office.

11 Q When you say "head of court services", can you
12 tell us in somewhat greater detail what precisely that
13 position is?

14 A I'm actually supervisor for all of the Superior
15 Court Clerks who are assigned to a criminal court from
16 Department 100 through 120, in the downtown area.

17 Q Prior to the time you were head of the court
18 services, were you employed by the Clerk's Office?

19 A Yes, I was.

20 Q In what capacity?

21 A I was a Superior Court Clerk assigned to the
22 Northwest District in Van Nuys.

23 Q How long have you been in the Clerk's Office?

24 A Since November, 1966.

25 Q When were you brought down to the 4th Floor of
26 this building?

27 A I believe that was August of 1969.

28 Q From August of 1969 up until the present time have

1 you had any business relationship or business duties in
2 connection with either the Exhibit Custodian Clerks down
3 there or in exhibiting exhibits yourself?

4 A I have.

5 Q How is it that someone in your position, the
6 head of court services, would be involved in the displaying
7 of criminal exhibits?

8 A Initially, when I was sent down to the criminal
9 division it was in the capacity of a management trainee and
10 one of my first projects was to look into the operations of
11 the exhibit process.

12 It was to survey the situation and make some
13 recommendations as to the procedures they had and recommenda-
14 tions for storage, disposition and other matters connected
15 with the exhibits themselves.

16 Q Can you please tell us what your educational
17 background is?

18 A I have a Bachelor of Arts Degree from Cal. State
19 in English and a major in English and a minor in speech.

20 I have taken courses through La Salle in law.

21 Q Who is your immediate supervisor?

22 A Pete Talmachoff, Chief of the Criminal Division.

23 Q When you first came into this building and worked
24 on the 4th Floor of the County Clerk's Office, did you become
25 acquainted with what we have referred to as the exhibit reviewing
26 slip or the exhibit reviewing form?

27 A Yes, I did.

28 Q At that time did you make any changes in the form

1 of that exhibit viewing slip?

2 A Not initially, no.

3 Q Do you know, as you sit here now, that there was
4 a court order issued by Judge Walker in connection with the
5 exhibits in the case of People versus Sirhan Bishara Sirhan,
6 which prohibited anyone from handling the original exhibits
7 in this case without a court order with the exception of
8 counsel of record?

9 A I am aware of it now.

10 Q When did you find that such a court order was
11 in existence?

12 A In August of 1970.

13 Q What were the circumstances that led up to your
14 becoming acquainted with that court order in August of 1970?

15 A I was acting as the division chief in the absence
16 of the regular division chief, Pete Talmachoff, and there was
17 a request by one of the exhibit custodians to view one of the
18 exhibits and at that time I asked if there were any unusual
19 circumstances connected with the viewing of the exhibits and
20 at that time, that is when the exhibit custodian brought out a
21 copy of the court order to me to read prior to allowing the
22 exhibits to be viewed.

23 Q Can you tell me if you are certain that it was
24 Judge Walker's court order, or could it have been the earlier
25 order of Judge Alarcon?

26 A I'm pretty sure it was Judge Walker's court order.

27 Q You say you were replacing Mr. Talmachoff who was
28 on vacation?

1 A Yes, sir.

2 Q Prior to Mr. Talmachoff's leaving on his vaca-
3 tion, had he ever alerted you to the existence of
4 Judge Walker's Court Order in the Sirhan case?

5 A I don't recall that he had.

6 Q All right; at that time, that is, at the time
7 the Court Order was first brought to your attention, you
8 said that was August of 1970?

9 A Yes, sir.

10 Q Did you personally read the Court Order?

11 A I did.

12 Q In connection with the Sirhan case, have you ever
13 received any specific instructions from any of your co-
14 supervisors or any of the persons above you, included but not
15 limited to Mr. Talmachoff, with respect to the method of
16 handling the exhibits in the Sirhan case?

17 A I did.

18 Q When was that?

19 A Approximately five or six months after I was
20 assigned to look into the exhibit process.

21 Q What is the approximate date that you received
22 these instructions?

23 A I believe it was early in 1970.

24 Q That would be before this August date that you
25 just made reference to?

26 A That's correct.

27 Q And what instructions did you personally receive
28 at that time?

1 A Well, to use the term "instructions" is not quite
2 accurate.

3 We know that certain things had to be done, such
4 as the copying of the exhibits and I recall that Mr. Talmachoff
5 and I had talked to the then present supervisor of the
6 exhibit custodians regarding the security of those specific
7 exhibits and when they were going to complete the copying work
8 on the original exhibits, and we moved the original exhibits
9 out of the vault in Room 448 over to our death penalty locker
10 in the adjacent building next to the Hall of Justice.

11 Q During that period, which you indicated was early
12 in 1970, did Mr. Talmachoff tell you about the existence
13 of Judge Walker's Court Order?

14 A He did not.

15 Q Had you been handling exhibits or any requests
16 to see exhibits in the Sirhan case prior to the August 1970
17 incident wherein you learned of the existence of the Court
18 Order?

19 A No, I don't believe so.

20 Q Are you involved, actually, in the displaying or
21 finding exhibits for people who come to the counter on the 4th
22 Floor?

23 A I have been involved in the exhibits, as I have
24 indicated, but that is not strictly within my responsibility.

25 Q Have you had any written instructions setting
26 forth the procedure the Clerk's Office should follow in obeying
27 the mandate of Judge Walker's Court Order?

28 A Recently, yes, sir.

1 Q How recently, sir?

2 A Within the past two or three weeks.

3 Q And what was the nature of the information
4 communicated to you at that time?

5 A These were instructions, I believe they emanated
6 from the chief deputy, Mr. Cabell

7 Q Can you tell us the contents of that statement?

8 A One statement that I know of was with the chief
9 of the division and the head of the court services, which I
10 believe was Mr. Sours and myself would be held personally
11 responsible for special handling of exhibits in special
12 cases.

13 Q Did you take that to mean the Sirhan case?

14 A Yes, I did.

15 Q Did you have in mind, when you received the
16 instructions, that the vast majority of exhibits had been
17 shipped off to the Supreme Court?

18 A Well, I realized that had happened but I didn't
19 have it in mind.

20 Q Does it ever get very busy in the Clerk's Office
21 on the 4th Floor?

22 A I would say so.

23 Q Does it get crowded?

24 A On occasions it gets crowded.

25 Q Are there many people that come in at or about the
26 same time requesting service in connection with the exhibits?

27 A Occasionally that occurs.

28 Q Have you heard any of your supervisors make a

1 statement to the effect that it was a mistake to permit one
2 or more persons to see the original exhibits in the Sirhan
3 case?

4 A No, I haven't.

5 MR. HECHT: May I have one moment?

6 THE FOREMAN: Certainly, sir.

7 BY MR. HECHT:

8 Q I would like to invite your attention, excuse me,
9 to Grand Jury Exhibit Number 1, which I believe you will
10 recognize as the photograph of what we have referred to as
11 an exhibit viewing slip.

12 Do you recognize the form, without concerning
13 yourself with the notations thereon?

14 A I do.

15 Q When you first assumed your duties as head of
16 court services and made your inquiry into the exhibit section,
17 did you run across the use of that form?

18 A No, not specifically.

19 If I could elaborate on this?

20 Q Please do, yes.

21 A The former chief deputy, Emory Hatcher, had
22 specifically instructed me not to get involved with the day-to-
23 day routine and details of the exhibit custodians.

24 Therefore, I didn't pay too much attention
25 to, let us say, an item like that.

26 I was supposed to get a pretty big overview of what
27 was happening and find out if there could be some improvement
28 in the procedure.

1 Q Let me show you Grand Jury Exhibit Number 2,
2 which appears to be a form used for the same purpose but
3 is somewhat different in heading and contents than Grand
4 Jury Exhibit Number 1.

5 Are you familiar with this form?

6 A Yes, I am.

7 Q Are you acquainted with the fact that both
8 forms have been used in connection with the duties of the
9 exhibit custodian clerks downstairs?

10 A I am.

11 Q Did you recently change or revise the exhibit
12 review forms in the Clerk's Office?

13 A We did.

14 Q And were you personally responsible for having
15 that form revised?

16 A Yes, pursuant to an order of the assistant chief
17 deputy, Ed Kristman, and we were to look into the still
18 existing procedures and close any gaps that we recognized on
19 the procedure and form.

20 When we did this, we did revise the form.

21 Q Did you revise the form because you found it to
22 be a poor form to record the information that should be
23 recorded in connection with the viewing of the exhibits?

24 A Well, I don't know that I would use the term
25 "poor", but I did recognize that more information probably
26 should be recorded on the form and perhaps another form could
27 be more easily interpreted and controlled.

28 Q All right, now, Mr. Walker, you had an interview

1 on Tuesday, July 13, 1971, beginning at 2:00 P.M., in the
2 District Attorney's Office, Bureau of Investigation, in Room
3 113, at 524 North Spring Street; is that correct?

4 A Yes, sir.

5 Q And you were aware that conversation was recorded
6 by a reporter?

7 A Yes, I was.

8 Q She was there in your presence, was she not?

9 A Yes, she was.

10 Q I have what purports to be a transcript of that
11 particular conversation and on page 7 of the transcript,
12 starting from line 6, I have the following appearing in front
13 of me.

14 (Reading:)

15 "Now, getting into specifically these requests
16 that your speaking of, made by certain people, that
17 is on a form for viewing the exhibits that you have
18 in your custody?

19 "ANSWER: That's right.

20 "QUESTION: If I show you a photostatic copy,
21 would you recognize one of the exhibit viewing
22 forms?

23 "ANSWER: Yes.

24 "QUESTION: Showing you a photostatic copy of
25 an exhibit review form, would that be a reasonable
26 example, even though this is a photocopy of the
27 exhibit review form?

28 "ANSWER: Up until last Wednesday. I immediately

1 had that form revised because it does not give
2 information and it is a poor form, so I had it
3 revised."

4 Do you recall that statement?

5 A Yes.

6 Q Would it be accurate to say that your opinion
7 of it is that it does constitute a poor record?

8 A I certainly made that statement and I suppose
9 at that time I felt the term "poor" may not have been too
10 strong, but, in looking at it today, I probably wanted to
11 indicated that maybe the term "poor" was not exactly the
12 term I wanted to use, but I'm sure I used it that day.

13 Q Let me go on to the questions and answers, if I
14 may.

15 "QUESTION: Okay, your opinion now is that
16 is not a complete form in your mind at that
17 time?

18 "ANSWER: That is not a complete form as
19 to what?

20 "QUESTION: To show the exhibits, or to keep
21 track of the exhibits in some manner.

22 "ANSWER: That's right."

23 You were asked those questions and those are your
24 answers?

25 A Yes.

26 "QUESTION: And for instance, the request to
27 review exhibits doesn't show which exhibits are
28 requested, although there are some numbers listed

1 on them?

2 "ANSWER: It indicates exhibits they want to
3 see. It doesn't describe with specificity the
4 exhibits because I note that some of these numbers
5 were changed in later trial proceedings."

6 Do you remember making that statement?

7 A I do.

8 Q Continuing with your answer:

9 "It doesn't distinguish between the motion to quash
10 and later trial proceedings where the numbers may
11 be somewhat different."

12 Do you remember making that statement?

13 A Yes.

14 Q Going on with your answer:

15 "Therefore, I don't know what that individual saw,
16 which exhibits, and I don't know when he actually
17 made the request and what he did see, if he did see
18 those exhibits.

19 "Now, also, it doesn't indicate the exhibit
20 custodian clerk, who presented the exhibits, and if
21 the exhibits were returned to its proper place."

22 Is that your statement?

23 A Yes.

24 Q Were you at that time candidly indicating what
25 impression you had as to the use of the previous exhibit
26 forms?

27 A Yes.

28 Q Were these statements truthful?

1 A They were.

2 Q I take it, then, you did feel that the previous
3 form was, in fact, one that would not permit the persons later
4 to fully reconstruct the event that the form was supposed to
5 record?

6 A I do feel that way.

7 Q You have, as I understand from your previous
8 testimony, switched into using a newer form?

9 A We have.

10 Q When has that new form been instituted?

11 A Several weeks ago when we made a modification of
12 this form,

13 I understand there has been even another
14 modification because some improvement was made even on
15 the ideas that I had.

16 Q On the previous forms, either one of the two
17 forms in front of you, was there any place on those exhibit
18 review forms where the clerk would check the identity of
19 the customer in the Clerk's Office and would initial it
20 or in some way indicate which clerk it was?

21 A I believe only on this form on my right.

22 Q It has a number on a piece of paper stapled
23 to it?

24 A Yes; that's Grand Jury Exhibit Number 2.

25 Q Grand Jury Exhibit Number 2?

26 A Yes, sir.

27 I believe there is an indication of the individual
28 custodian who had some connection with the form, or the viewing

1 of these specific exhibits, and evidently it indicates the
2 initials and it appears to be F.K. and I believe on this
3 particular form there is a place for the exhibit custodian
4 to initial that he had some connection with allowing things
5 to be viewed.

6 Q Let me refer to page 10 of the same transcript,
7 the question was put to you:

8 "Is there any place on this exhibit
9 review form for the clerk who requests the
10 identity of the viewer to initial it?"

11 And you say:

12 "There is now."

13 I assume referring to the new form rather than the old form?

14 "Yes; in the inevestigation I made
15 that was one of the real gaps in the record
16 keeping."

17 Do you recall being asked that question and giving
18 that answer?

19 A Yes.

20 Q Do you make any distinction that maybe one clerk
21 would request the identification from the person coming to your
22 office and perhaps another clerk would then be assigned to
23 get the exhibits and display them to the person?

24 A No.

25 Q Do you follow my thinking in that regard?

26 A Yes, I do.

27 Q So, is it fair to say, or is it accurate to say
28 that there is no place for recording the identity of the clerk

1 who initially makes the initial request insofar as the older
2 forms are concerned?

3 A You're correct.

4 Q From the period of May 1969 and thereafter, who
5 was the supervisor or who was in charge of the exhibit
6 custodians?

7 A Well, in August of 1969 I think the exhibit
8 custodian supervisor at that time was Guy Tracy.

9 Q Is he presently employed by the Clerk's Office?

10 A No, he isn't.

11 Q Did he resign under somewhat unusual circum-
12 stances?

13 A Yes, I would say so.

14 Q Will you tell us very briefly why?

15 A Well, in the process of my assignment duties
16 to look into the exhibit operations, there were thefts
17 discovered and we were to cooperate with the District
18 Attorney's Investigative Unit in taking polygraph examinations
19 and making some attempt to find out who stole the money,
20 either to preclude any further thefts or, perhaps, recover
21 some of the stolen money.

22 I recall that Guy Tracy took one polygraph
23 examination and then upon being requested to return to that
24 investigative unit for another, he indicated that rather than
25 return he would resign.

26 Q Did he, in fact, do so?

27 A Yes, he did.

28 Q And as to the exhibit custodian clerk -- referring

1 back to your initial familiarity with the existence of the
2 Court Order, I believe you said that was in August of 1970?

3 A Yes.

4 Q All right; do you know an exhibit custodian clerk
5 by the name of Loyless Williams?

6 A Yes, I do.

7 Q Did Mr. Williams have some connection leading to
8 the event of your becoming aware of the Court Order in the
9 Sirhan case?

10 A Yes.

11 Q Can you tell us the event that involved
12 Mr. Williams and perhaps a letter that was received by your
13 office?

14 A I seem to recall there was a letter presented
15 to Loyless Williams connected with the request to see and
16 to review certain Sirhan exhibits.

17 Q Was that letter addressed to you or to Mr. Sours?

18 A Mr. Sours.

19 Q Was he present at the time the letter was brought
20 to your attention by Mr. Williams?

21 A No, he wasn't.

22 Q What happened then?

23 A I read the letter and then requested they bring
24 the guide envelope.

25 In the guide envelope we keep certain documents
26 connected with the exhibits, to check and to see if there
27 are any special instructions connected with the exhibits.

28 That is the reason I called for the guide

1 envelope in the Sirhan case.

2 At that time is when I became aware of Judge
3 Walker's Court Order.

4 I read the Court Order but before I actually
5 allowed, I believe it was Mr. William Harper, who was
6 requesting to review the exhibits, before I allowed him to
7 review the exhibits I made a call to the Assistant Chief
8 Deputy's Office because since the letter was addressed to
9 Bob Sours I wanted to check with Bob to see if he was aware
10 of the letter and I seem to recall that I did talk to him
11 and discussed the letter and the Court Order with Bob.

12 I then requested if he interpreted the Court
13 Order similarly to the way I interpreted it that this would
14 be an authorized person to see the exhibits.

15 We seemed to agree and I told Loyless it's okay
16 for him to view certain exhibits.

17 Q Did you ever consider, and you understand I'm
18 not attempting to challenge the validity or the integrity of
19 the decision you made at that time, but did you ever consider
20 calling, because of the importance of the case, calling the
21 District Attorney's Office or the County Counsel's Office or
22 the Superior Court for an opinion in connection with the
23 language used by Judge Walker in that Court Order?

24 A No, I did not.

25 Q Did Mr. Sours indicate to you during that tele-
26 phone conversation that he had made either one of those
27 contacts or any one of those contacts?

28 A No.

1 Q I take it that at the time you gave Mr. Loyless
2 Williams permission to show Mr. Harper the original exhibits
3 in the Sirhan case or at least those that he was interested
4 in looking at?

5 A Well, those that he was interested in looking at.

6 Q Would it be fair to say that insofar as those
7 exhibits were concerned, Judge Walker's Order relating to
8 the display of the exhibits was a unique Court Order, based
9 on your own experience in the Clerk's Office?

10 A To be very truthful, I don't recall prior to that
11 time I had ever seen any Court Order which either restricted
12 access to the exhibits or had any other connection with the
13 exhibits.

14 I don't recall that I had other than a Superior
15 Court Judge making a specific order that a certain gun is to
16 be destroyed.

17 Q Forgetting about such routine court orders, and
18 focusing in particular on Judge Walker's Court Order, what
19 methods were used to alert the personnel, the exhibit custodian
20 clerks in the clerk's office to the fact that there is an
21 existing court order in connection with a particular criminal
22 case that must and should be adhered to?

23 A Well, simply we would have adequate copies of the
24 court order made for dissemination among everyone involved.

25 Q Do you know in connection with Judge Walker's
26 Court Order that there was any dissemination of Judge Walker's
27 Court Order?

28 A I would not because I'm sure that order must have

1 existed before I was reassigned to the criminal division.

2 So I have no personal knowledge that it was
3 distributed although I seem to recall there was a court
4 order on the bulletin board inside the exhibit intake door.

5 Q Let's talk about that.

6 Do you know of your own knowledge that it related
7 to the Sirhan case?

8 A No, I don't.

9 Q Do you know whether that was Judge Alarcon's
10 court order, if it did relate to the Sirhan case or if it
11 was Judge Walker's court order?

12 A I don't know.

13 Q Would you also consider it good management to
14 discuss the court order with the exhibit custodian clerks
15 down there to see if there were any problems relating to
16 interpretation?

17 A I would.

18 Q Do you know if that was done in connection with
19 Judge Walker's court order?

20 A I don't know.

21 Q Do you consider it, based upon your experience,
22 a good management principle to have everyone not only read
23 such a court order but to initial it to show that, in fact,
24 they had read it?

25 A Yes.

26 Q Did you ever initial a copy of Judge Walker's
27 court order in this particular case?

28 A I did not.

1 Q I take it that was because there was no one
2 showed you a court order up until the time Mr. Williams
3 presented it to you; is that correct?

4 A That's correct.

5 Q You have made reference to what I gather is a
6 death penalty locker.

7 Can you tell us what that is?

8 A It is a special area assigned to store extra
9 exhibits connected with death penalty cases.

10 They are steel lockers with one key, and it's
11 located next to the Hall of Justice, I think it's called the
12 Hall of Justice Annex.

13 Q Do you know in what room?

14 A It is Room 102.

15 We utilize that area to store death penalty
16 exhibits so there isn't the possibility of inadvertent
17 destruction of exhibits connected with that kind of case.

18 Q Is there a log of any kind which shows the
19 transfers that may be made between the 4th Floor of this
20 building, the Clerk's Office on the 4th Floor and the material
21 coming from or going to the death penalty locker?

22 A You mean existing now?

23 Q Yes.

24 A I believe there is now.

25 Q I notice you emphasize "now".

26 How recently is "now"?

27 A Within the last month I believe we instituted a
28 system to show this kind of traffic.

1 Q Was that one of the suggestions made by one of
2 my investigators when they were interviewing you?

3 A Well, I don't know whether he put it in the form
4 of a suggestion.

5 I think I hit upon it as a method that probably
6 we should institute.

7 Q Did you, in fact, institute that method?

8 A I recall talking to Bob Sours who was really the
9 supervisor of the exhibit custodian clerks and made that idea
10 known to him and he thought that was a pretty good idea and
11 that we should do that, also.

12 Q Mr. Walker, I want to direct your attention to
13 this Grand Jury Exhibit Number 2 form.

14 We'll start here on the left-hand portion; I'm
15 referring to this line where it says, "OUT/TIME" then a space
16 and then "INT" and then "IN/TIME" and then again "INT".

17 What is the significance of that language?

18 A Well, the "OUT/TIME" is the time certain exhibits
19 were checked out and the "INT" is the name of the person who
20 handed the exhibits out.

21 Then the "IN/TIME" means the time the exhibits
22 were returned and the "INT" is the person who received the
23 exhibits back.

24 In other words, if you just have a "OUT/TIME" and
25 there is no "IN/TIME" there is a big gap because there is no
26 record when these exhibits were returned or if, in fact, they
27 did get back into the vault.

28 If you have something like that, we have to start

1 searching and looking into the situation.

2 Q So these notations down here are just to advise
3 the time the exhibits were sent out and the time they were
4 received back?

5 A Yes.

6 Q And the "INT" has to do with the person either
7 putting them out or the person taking them back?

8 A Yes.

9 Q And they would be the initials of the person who
10 was actually showing or receiving back the exhibits?

11 A Yes.

12 Q Would it be fair to say that as recently as
13 the date of your interview on Tuesday, June 13, 1971, that
14 you were not even sure what the notation "INT" stood for?

15 A Yes, that is pretty accurate.

16 Q Now, insofar as the physical premises of the
17 4th Floor of the County Clerk's Office are concerned, you
18 have a public area, do you not and by that I mean you have a
19 public counter?

20 A Yes, we do.

21 Q In fact, you can take a look at the exhibit
22 behind you?

23 Do you recognize that diagram as being generally
24 and fairly representing the premises in the Clerk's Office,
25 and I'm specifically concerned right now with the public
26 area?

27 A Yes.

28 Q And you notice the notation "Table" as we are

1 looking at Room 448, there is a table to the left of that
2 counter?

3 A Yes.

4 Q Were you acquainted with the older method of
5 examining the exhibits by members of the public, where they
6 took the exhibits given them by the exhibit clerk and
7 examined them on the table in the public area?

8 A Yes.

9 Q There has been a change?

10 A That's correct.

11 Q Do you recall the date or the approximate date
12 of that change?

13 A Yes; it was in the latter part of 1970, during
14 Mr. Talmachoff's vacation.

15 We changed it during his absence.

16 Q Had he suggested to you that it be changed before
17 he left on vacation?

18 A I believe there was some talk as to changing that
19 area but we hadn't taken the specific steps to do it.

20 At that time there had, I believe, been some talk
21 about it.

22 Q Did you institute the change yourself during his
23 absence?

24 A I was involved in it.

25 Q I would refer you now to page 55 of your interview
26 on July 13th by my investigators and the question was asked
27 you:

28 "QUESTION: Is there any method of maintaining

1 control and insuring the same exhibits are returned
2 or were returned?"

3 They were then talking about the giving out of the
4 exhibits and making sure the same exhibits were returned and
5 your answer was, as I have it here:

6 "ANSWER: Well, in this sense if a person
7 made a request to see this number of exhibits,
8 we limit him to a certain number. We only bring
9 so many at a time so in our process of checking
10 it back in we're fairly sure that they are the
11 same exhibits that are checked out.

12 "Then, number two, ever since, well,
13 for some time we have not allowed a review of
14 exhibits outside, only inside the ante-room."

15 Do you remember that answer?

16 A Yes.

17 Q Did you then continue and make the following state-
18 ment:

19 "We used to have a table outside and
20 there was no surveillance and
21 /that was a pretty wide breach of security and that
22 was changed. We moved the table inside."

23 Do you recall that statement?

24 A Yes.

25 Q Was it, in fact, true, "We used to have a table
26 there and there was no surveillance"?

27 A Yes, I was being truthful.

28 Q Is there any interpretation of that language you
want to make at this time as to the statement you then made so

1 that we may have a sense of completeness insofar as your
2 current thinking is concerned?

3 A Yes; I think when I used the term "there was no
4 surveillance" I think that was a little strong.

5 I think it would have been more accurate to say
6 that when the table was outside there was not as great a
7 surveillance as we would like. Therefore, by moving the table
8 inside we had a much better surveillance of the exhibits.

9 Q Without quibbling with semantics, would it be
10 fair to say that there was not as much surveillance as you
11 would like?

12 A Yes, we would have a greater amount of observa-
13 tion and surveillance.

14 Q That would be based on your particular working
15 conditions and the members of the public or the number of
16 members of the public that may have been in the office at the
17 time, and things of that nature?

18 A Yes, sir.

19 Q As you sit here now, Mr. Walker, are you aware of
20 any irregularities in connection with the handling of exhibits
21 in the Sirhan case, insofar as the clerk's office is concerned
22 on the 4th Floor of this building?

23 A No, I'm not aware of irregularities, in other
24 words, I presume you mean if there are specific methods to
25 showing the exhibits, if there were violations of those rules
26 and regulations.

27 Q I would like to make it a little broader than
28 that and include in the use of the word "irregularities" the

1 possibility of perhaps handing out original exhibits to
2 unauthorized persons, the taking of documents from the
3 Sirhan documentary evidence and either selling it or
4 distributing it in any other way.

5 Having in mind that broader use of the term
6 "irregularity", do you have any personal knowledge that there
7 was any such irregularity in connection with the Sirhan
8 case?

9 A I have not.

10 Q As you sit here now and based upon your discussion
11 with my investigators and your own personal experience in
12 connection with this matter, would it be fair to say that
13 there was a tremendous room for improvement in connection
14 with the handling of the Sirhan exhibits?

15 A I would say, as in any large operation like this,
16 that there was room for improvement which I believe has been
17 an on-going matter, at least since I was reassigned to the
18 criminal division.

19 MR. HECHT: I have no further questions of this witness.

20 THE FOREMAN: Are there any further questions to be
21 directed to this witness from any Grand Jury member?

22 If so, please write them out and they will be
23 directed to the witness through the Deputy District
24 Attorney.

25 MR. HECHT: I have one further question; I am sorry.

26 Q Mr. Walker, I believe you have already told us,
27 and please correct me if I am wrong, you were not personally
28 involved in waiting on people in the sense of handling

1 customers or requests to see exhibits; is that correct?

2 A That's correct.

3 Q Did you have occasion to talk to other exhibit
4 custodian clerks in the Clerk's Office to find out whether
5 they had been instructed in any unique procedures in connec-
6 tion with the Sirhan case?

7 A I have.

8 Q Did anyone ever tell you that -- strike that.
9 How many persons did you speak to in connection
10 with this inquiry on your part?

11 A At least three.

12 Q Who are they?

13 A Ken Buckley, the supervisor and I believe two
14 or maybe three of the other exhibit custodian clerks were
15 present at the time.

16 Q Who were the other two or three?

17 A I believe it may have been Ken Douglas and possibly
18 Loyless Williams. It is difficult for me to recall.

19 Q Did any of these gentlemen, Mr. Williams or
20 Mr. Douglas, tell you that they had been specifically in-
21 structed that when anyone came to the Clerk's Office to look
22 at the Sirhan exhibits, or the copy of the Sirhan exhibits,
23 that they were immediately to notify Mr. Buckley of that
24 fact?

25 A I cannot recall that they did.

26 Q May I ask you not to discuss that particular
27 question with any of the other clerks during the proceedings
28 here?

#22

1 A Yes; I will not discuss it.

2 Q Do you have copies of this new exhibit review
3 form?

4 A No, not with me.

5 Q When you return to the Clerk's Office, and I
6 believe the next witness we're going to call is going to be
7 Mr. Abdelmalak, would you give one of the others a copy of
8 that form, so we can have it when we call that gentleman in?

9 A Right.

10 Q Are you familiar with the notation that exists
11 on the Sirhan guide file that says, "See Court Order"?

12 A Yes, I'm familiar with that.

13 Q Do you know -- strike that.

14 Are you aware of any policy in the Clerk's
15 Office that would require an eye-catching notation of that
16 kind to be placed on any guide envelope in major cases, or
17 in any cases where there was a court order that concerned
18 itself with the responsibilities of your department?

19 A Yes, I'm aware of that policy.

20 Q One of the Grand Jurors has asked the following
21 question:

22 Why couldn't "See Court Order" be printed in bold
23 type in another color to attract the attention of the exhibit
24 clerk?

25 Do you have any answer to that?

26 A Yes; as a matter of fact, that idea did come up.

27 We used the red ink on most of our notations,
28 and it is a very sensitive exhibit, if it is thought to be a

1 sensitive exhibit, it must be done in red ink and we do use
2 color coding.

3 Q There is a question from another of the Grand
4 Jurors which I'm going to paraphrase in my own way.

5 You were aware, at least reasonably so, after
6 the investigation by my office commenced, that we were
7 interested in looking into the handling of the exhibits in
8 the Sirhan case, were you not?

9 A Yes.

10 Q Had you had any conversations with any members
11 of your department where it was suggested that you were to
12 minimize the criticism or the inadequacies, if any, of your
13 department in connection with the Sirhan case?

14 A Absolutely not.

15 Q Did you personally see any of the Sirhan note-
16 books in the Sirhan case?

17 A Yes, copies of the Sirhan notebooks.

18 Q Do you recall approximately when it was that
19 any one of those notebooks was brought to your attention?

20 A Yes; that was on the return of Mr. Talmachoff
21 from San Francisco.

22 Q After he had gone up to see the Clerk of the
23 Supreme Court?

24 A Yes, sir.

25 Q And what were the circumstances under which you
26 recall seeing any of the notebooks or copies of the note-
27 books?

28 A I think we were making our second or third

1 inventory of the exhibits and I believe I saw either copies
2 of pages from a notebook because I believe there were certain
3 photographs and copies being brought back for authentication
4 by Mr. Talmachoff and I believe there may have been copies of
5 those pages.

6 Q I direct your attention to the exhibits brought to
7 us by Mr. Talmachoff, Grand Jury Exhibit Number 52, and I'll
8 ask you to look at that and be as careful as you possibly can,
9 can you tell me if you ever saw that before?

10 A Yes, sir.

11 Q When did you first see that, sir?

12 A Yesterday.

13 Q What were the circumstances leading up to your
14 seeing that document?

15 A I just happened to walk into Mr. Talmachoff's
16 office and I knew he had a box of documents connected with
17 that investigation and I saw Alice Nishikawa, the clerk who
18 was assigned to this case at the time it was being tried,
19 and I just happened to see it in this box.

20 Q Was there any discussion during the time, any
21 discussion about this particular document?

22 A I don't recall any discussion about it at all.

23 Q One of the Grand Jurors has asked the following
24 question:

25 Have you ever seen the recommendations of the
26 1968 Grand Jury in connection with the operation of the
27 Clerk's Office?

28 A I did.

1 Q When did you first see them, sir?

2 A When I was first reassigned as a management
3 trainee, Mr. Emory Hatcher, the former Chief Deputy, suggested
4 I could get some needed background by reading the 1968 manage-
5 ment audit report.

6 Q Did you then read it?

7 A I did.

8 Q You realize at that time there was some concern
9 expressed by the 1968 Grand Jury in connection with certain
10 things in the management and control of the exhibits that
11 were in possession of the Clerk's Office?

12 A Yes.

13 Q One of the Grand Jurors has asked me to inquire
14 whether all of your time on the job is devoted to improving
15 the methods and systems of the department in connection with
16 the handling of exhibits; and, if not, what else, or what
17 other kind of work did you do in the Clerk's Office during
18 this period of time?

19 A I was responsible for the written performance
20 evaluations for the court clerks, and I had to see judges
21 regarding county policy on anything connected with court
22 procedures, and I had to assist the chief of the division in
23 writing a manual for the criminal division, and familiarize
24 myself with Mr. Talmachoff's job, and the employees under
25 him in the Clerk's Office.

26 Q You mentioned something about preparing a manual
27 for the criminal division?

28 A Yes.

1 Q Does that manual now exist?

2 A Well, the manual I was referring to in that
3 instance was the manual for the court clerks.

4 Q Is there a manual for, say, the exhibit
5 custodian clerks?

6 A There is.

7 Q When was that first developed and printed?

8 A That had been in existence when I got there and
9 I knew it was going to be revised and I was also involved
10 in that.

11 Q Does that manual make reference to the use of
12 the exhibit review forms?

13 A I can't state very accurately, but I'm sure it
14 does because I recall acting in the capacity of the acting
15 chief and I was given the assignment to see that the manual
16 was revised and I turned it over to Bob Sours.

17 Q One of the Grand Jurors asks if you would
18 briefly list the major improvements you feel that you were
19 responsible for during the time you served downstairs in
20 the Clerk's Office.

21 Please don't be modest in this regard.

22 A Well, I do recall one of the things that I
23 noticed was the manner of handling cash and after I had some
24 involvement in that, I was contacted by the County Counsel
25 as to how many claims had been made against the county for
26 cash that could not be returned by the County Clerk's Office,
27 even though we had become the bailee of said money.

28 With the assistance of Mr. Talmachoff we

1 instituted a checking system with all of the branches, and our
2 trust and revenue officers so that any money that is received
3 from the Grand Jury, the Municipal Court or by any of the
4 Superior Courts, there would be a method of checking and re-
5 checking so that we could close some gaps as to possible
6 theft. So we have instituted a system which runs to about
7 four or five pages of written instructions.

8 To this date, even though there has been no
9 specific audit, we have not had any claims for return of
10 money because they would have to prove it.

11 In other words, I'm not aware of any loss of
12 money since July 20, 1970, when the system was instituted.

13 I think I was also involved in the decision
14 regarding the speed-up or disposing of all exhibits by
15 instituting a procedure whereby rather than being as
16 crowded as we were we would provide more room to handle
17 the exhibits.

18 I think that as far as the court clerks too
19 that under our instructions they have become more aware of
20 the security of the exhibits by the staff meetings that we
21 have held.

22 We instituted a system of constant counseling
23 with the court clerks, making them aware of the operations
24 that are going on in the office, not just a little bit in
25 the courtroom whereby they make a judge happy and where they
26 were not concerned about the larger problems being faced by
27 our staff.

28 We have conducted a number of staff meetings

1 so that these people would not only get to know their jobs
2 but the jobs of others that they might be concerned with.

3 Q Did you conduct those staff meetings?

4 A Yes, I did.

5 Q Does Mr. Talmachoff attend them?

6 A Mr. Talmachoff attends and conducts them, also.

7 Q What is your impression as to the caliber of the
8 exhibit custodian clerks that you now have?

9 Are they adequate insofar as doing the job that
10 has to be done?

11 A I would say they are. I would say they are far
12 above the caliber that we have had in the past.

13 I believe that is directly attributable to the
14 efforts of Mr. Talmachoff.

15 We had made some efforts to upgrade the quality
16 of personnel in that office for quite some time.

17 Q Is it possible for an exhibit custodian clerk to
18 find and take out an exhibit without reference to the guide
19 envelope from that particular case?

20 A Well, yes, the exhibits are in open bins within
21 a vault and also the room downstairs and he could pick up an
22 exhibit just occasionally.

23 He doesn't necessarily have to have a guide
24 envelope to be able to pick it up.

25 Q How far are the guide envelopes kept from where
26 the bulk of the exhibits are?

27 A It's kind of difficult to answer.

28 We have guide envelopes that are only six feet

1 from some exhibits, but we have five rooms. We have some
2 rooms in the basement in the Hall of Justice and we have
3 some rooms next door, but all of the guide envelopes are
4 upstairs in Room 448.

5 Q Another question from one of the Grand Jurors.

6 You have indicated that you have a great deal
7 to do in connection with the operation of the court clerks,
8 the Superior Court Clerks; do you feel that you could put
9 that knowledge and experience to better use in another location
10 or another job in the Clerk's Office?

11 A I'm not quite sure I understand.

12 Q The question goes on to ask:

13 You're specifically assigned to Room 448, and
14 that's on the 4th Floor of this building?

15 A Yes.

16 Q Is that in the natural process of advancement
17 for someone who has your knowledge and ability?

18 A No, it is not.

19 Q Would you explain your answer?

20 A Well, to go above the level of Superior Court
21 Clerk, then there are examinations given to all management
22 trainees and once you're appointed a management trainee you
23 attend certain seminars and then you're assigned to different
24 projects and I just happened to be assigned to the exhibit
25 project based on the 1968 -- well, not specifically based on
26 the 1968 audit, but based on the recognition of the
27 department, and also the chiefs of the division, that some-
28 thing should be done about the exhibit process.

1 When I was first approached to go into this,
2 I was so overwhelmed when they gave me a look at the
3 exhibit area I said, "Nothing doing."

4 But I was persuaded to give it a try anyhow.

5 Q Why did you say, "Nothing doing"?

6 A It was in a bad state of disrepair, at first
7 blush anyway.

8 Q Did the first blush prove to be an accurate
9 impression?

10 A It really wasn't as bad as I thought and that's
11 why I stuck with it.

12 MR. HECHT: Thank you.

13 I have nothing further.

14 THE FOREMAN: Any further questions to be directed to
15 this witness?

16 Apparently there are some.

17 BY MR. HECHT:

18 Q In your opinion, would it be possible to charge
19 a fee in connection with the showing of exhibits to members of
20 the public?

21 Let me back up and give you a particular
22 approach.

23 In view of the fact that if we accept the
24 proposition that when exhibits are shown to persons who are
25 interested in a particular case, aside from attorneys of
26 record, there should be some security in connection with their
27 observation of those exhibits; do you agree with my
28 statement so far?

1 A Yes, sir.

2 Q Do you further agree that someone could come
3 into the Clerk's Office and spend four, five or six hours
4 looking at the same exhibit or at least a number of exhibits
5 in the same case or a number of cases?

6 A Yes.

7 Q Do you agree that in order to maintain an
8 effective degree of surveillance that one or more employees
9 of the Clerk's Office really has to be right there to
10 precisely see what is going on?

11 A Yes.

12 Q Having all that in mind, would it be unreasonable
13 in your opinion, based on your experience in the Clerk's
14 Office, to charge a fee whether it be a set fee or an hourly
15 fee for those persons, aside from counsel of record, to look
16 at exhibits?

17 A I would not recommend it.

18 Q Why not?

19 A Well, I think that we are a service agency and
20 that those documents are public documents and that the public
21 is entitled to see them, and I believe there are taxes being
22 paid by the citizens to give them that service.

23 I think that since we are a public agency we
24 should be allowed to serve the public without a fee.

25 I think that is just one of those things that we
26 have to do in order to serve the public.

27 MR. HECHT: Thank you very much.

28 I have no further questions.

1 THE FOREMAN: Any further questions?

2 Apparently not.

3 Do you understand the rule of secrecy as it
4 applies to the Grand Jury, Mr. Walker?

5 MR. WALKER: Yes, I do.

6 THE FOREMAN: Then it is not necessary for me to give
7 you the usual admonition concerning secrecy.

8 Thank you very much for coming in.

9 We'll take a short recess.

10 (Short mid-morning recess.)

11 THE FOREMAN: Let the record show the Grand Jurors
12 have reassembled and the court reporter is present.

13 You may proceed, Mr. Hecht.

14 MR. HECHT: Mr. Abdelmalak, please.

15 (Thereupon, the witness, Fayek K. Abdelmalak, was then
16 escorted into the Grand Jury Hearing Room by the Sergeant
17 At Arms.)

18
19
20 FAYEK K. ABDELMALAK,
21 called as a witness before the Grand Jury, was duly sworn as
22 follows:

23 THE FOREMAN: You do solemnly swear that the
24 evidence you shall give in this matter now pending before
25 the Grand Jury of the County of Los Angeles shall be the
26 truth, the whole truth, and nothing but the truth, so help
27 you God?

28 THE WITNESS: I do.

EXAMINATION

1
2 BY MR. HECHT:

3 Q Mr. Abdelmalak, what is your business or
4 occupation?

5 A I am a clerk.

6 Q Is that in the County Clerk's Office?

7 A Yes.

8 Q I don't mean to embarrass you but I wish to ask
9 you certain questions and if you're not sure what the question
10 means, don't hesitate to ask me to repeat it or explain.

11 A Okay.

12 Q How long have you been with the Clerk's Office?

13 A Almost about seventeen months.

14 Q Are you an exhibit custodian clerk?

15 A No.

16 Q What is your job title?

17 A Just clerk.

18 Q What are your duties in the Clerk's Office?

19 A I work and give information in the Clerk's
20 Office.

21 Q Do you come to the counter and wait on the people
22 on the 4th Floor?

23 A Yes.

24 Q Do your duties include the handling of
25 exhibits?

26 A Yes.

27 Q And what is the name of your immediate supervisor?

28 A Before.

1 Q Presently.

2 A Jack Trans.

3 Q You used the term "before". Who was that?

4 A Ken Buckley.

5 Q All right; will you tell us what your vocational
6 background is, Mr. Abdelmalak?

7 A I have a B.A.

8 Q From what University?

9 A Ainahams University in Cairo, Egypt.

10 Q Are you familiar with the exhibit review forms?

11 A Yes.

12 Q Are you familiar with the guide envelopes?

13 A Yes.

14 Q When I refer to the Sirhan case, do you know what
15 case I'm talking about?

16 A Yes.

17 Q As you sit here now, do you know that Judge Walker
18 issued a court order in connection with the display of the
19 original exhibits in the Sirhan case?

20 A Yes.

21 Q When did you first find out that Judge Walker had
22 issued that court order?

23 A There is a Minute Order for sealing some of the
24 exhibits by the door of the room.

25 Q Do you know whether that is Judge Walker's order
26 or Judge Alarcon's order?

27 A I don't remember the name of the judge.

28 Q Is it a one-page document or a two-page document?

1 A I cannot remember.

2 Q Is it still there?

3 A I no longer work there.

4 Q Where are you working now?

5 A In the office.

6 Q Where were you working in the office, which
7 desk in the Clerk's Office before?

8 A In the exhibit room.

9 Q How long did you work in the exhibit room?

10 A About four months.

11 Q And what were those four months specifically?

12 A I think the end of April to August.

13 Q What year?

14 A I can't remember what year.

15 Q Was it this year?

16 A No.

17 Q Last year?

18 A Yes.

19 Q 1970?

20 A Yes.

21 Q Did you ever personally read Judge Walker's
22 court order?

23 A Yes.

24 Q Where did you see it?

25 A It's by the door of the exhibit room.

26 Q I think you have already indicated to us you
27 are not certain whether it is Judge Walker's or Judge
28 Alarcon's order?

1 A Well, it is not my concern but I am aware that it
2 sealed the exhibits.

3 Q Do you know where the guide envelope is?

4 A Yes.

5 Q Do you know whether there is a copy of Judge
6 Walker's court order in that guide Envelope?

7 A I can't remember.

8 Q When you first started working the exhibits, did
9 anyone tell you that there is a court order issued by Judge
10 Walker in the Sirhan case?

11 A No.

12 Q Have any written instructions ever been given to
13 you specifically setting forth what procedures were to be
14 used in the handling of the original exhibits in the Sirhan
15 case?

16 A No.

17 Q Did Mr. Talmachoff or any of the supervisors
18 or anybody in the Clerk's Office ever tell you that none of
19 the original exhibits in the Sirhan case could be allowed to
20 be seen without a court order granting that kind of permission?

21 A No one told me about it.

22 Q Have you ever waited on people who came to see any
23 of the exhibits, copies of the exhibits from the Sirhan case?

24 A Yes.

25 Q Did you ever look at any of the documents in the
26 Sirhan guide envelope when these people came in?

27 A First of all, I started -- I can remember that
28 there were two kinds of exhibits.

1 Q Two kinds of exhibits?

2 A Yes.

3 Q Are you talking about the Sirhan case?

4 A Yes.

5 Q Go ahead.

6 A It's Room 444 on the floor where there were
7 regular exhibits and the sealed exhibits are next door.

8 I waited on two men, Mr. Harper and another man
9 that I cannot remember now.

10 Q All right; take a look at this, then.

11 I'm going to show you 37 review exhibit slips
12 that have been marked Grand Jury Exhibit 1 through 37.

13 Would you take a look at them and pull out those
14 slips that you have some connection with?

15 Just sift them over and put the others away.

16 A (The witness complied with counsel's request.)

17 Q You've pulled out two?

18 A Three.

19 Q All right; have you checked the rest of them?

20 A No.

21 Q Will you take a look through the rest of them
22 and see if you recognize any of them?

23 Just pull them out.

24 A Here's another one.

25 Q All right; you've pulled out four.

26 I believe number 2, 3, 18, 19 and 25; is that
27 correct?

28 A Correct.

1 Q All right; let's put that in front of you.

2 When I say Grand Jury Exhibit Number 2, you
3 see the number up here on the exhibit?

4 A Yes.

5 Q Now, please take a look at that first one,
6 please, Grand Jury Exhibit Number 2.

7 Do you have that in front of you?

8 A Yes.

9 Q How do you know that you were involved in that
10 particular transaction, Mr. Abdelmalak?

11 A I've been called by the District Attorney's
12 Office.

13 Q Sir, maybe my question is not clear.

14 Just from looking at the Grand Jury Exhibit Number
15 2, how can you tell that you had any connection with this
16 particular document?

17 A I don't understand.

18 Q Would you look at this document, Grand Jury
19 Exhibit Number 2?

20 A Yes.

21 Q Do you see your initials or name?

22 A Yes.

23 Q Where do you see them?

24 A It's right here.

25 Q You're pointing to where it says, "F.K."?

26 A Yes.

27 Q What does that mean, the first "F.K." under the
28 "INT"?

1 Does that mean that you have brought out some
2 exhibits?

3 A Yes.

4 Q In the upper left-hand corner where it says
5 "Date" I just see a 7 and a slash; do you follow me?

6 A Yes.

7 Q Do you remember the exact date that you were
8 involved in this transaction?

9 A No.

10 Q Now, beneath the line, where it says identifica-
11 tion, I see where it says "Exhibit 84-6-8-115."

12 Do you see what I'm looking at?

13 A Yes, I do.

14 Q Can you tell me if you brought all of these
15 items out and showed that person those items?

16 A Well, there is one person I would like to draw
17 attention to.

18 Q Let's, please, stick to this particular exhibit.

19 A Okay.

20 Q I want to draw your attention in connection with
21 this exhibit, first look at the whole thing.

22 A Okay.

23 Q Do you recall that particular exhibit and that
24 transaction or that event?

25 A I don't understand.

26 Q Well, the point is, that you have indicated that
27 there are some exhibits that were taken out on this out slip.

28 A I didn't pull the exhibits.

1 Q Who did, if you know?

2 A I pulled all the exhibits available in Room 444,
3 that is the unsealed exhibits.

4 Q Which are the unsealed exhibits; do you know?
5 Which are those exhibits in connection with the numbers that
6 are down here?

7 A Well, there is miscellaneous and there are
8 interviews by the people in the hotel and he had copies of
9 those exhibits -- I don't know the name.

10 Q Please take a look at the numbers.

11 Did you pull number 6?

12 A I don't know Exhibit Number 6.

13 Q Well, if it relates to the trial Exhibit 6 was
14 Mr. Sirhan's gun.

15 Did you pull the gun?

16 A Yes.

17 Q Did you show the gun to Mr. Faura?

18 A Who?

19 Q I'm showing you this document. You see the
20 name Fernando Faura?

21 A Oh, now I remember. I didn't see the name here;
22 okay.

23 Q That is Mr. Faura's slip?

24 A Yes.

25 Q Did he see the gun?

26 A That man I went to the exhibit first and in the
27 place I didn't find all those exhibits.

28 This is the unsealed stuff, so he asked to see my

1 boss, which is Kenneth Buckley.

2 Kenneth Buckley was not in at that time. So he
3 went to see Mr. Sours because he was angry.

4 At that very moment Ken Buckley walked in.

5 He showed him the court order and he said he
6 wanted to see Mr. Sharp and he was upset on that.

7 Q How do you know he went to see Mr. Sharp?

8 A He was kind of mad and Mr. Sours called me in and
9 I told him my story.

10 Q What did you tell him?

11 A I told him that he wanted to see some exhibits
12 and I didn't give him the allowance to see those exhibits
13 because they are sealed so he went out angry saying that he
14 will call Mr. Sharp.

15 Q What happened then?

16 A I had been called to Mr. Sours' office and I
17 told him the story.

18 Q What happened then?

19 A I don't know.

20 Q Did you ever show anything to Mr. Faura then?

21 A Only the unsealed exhibits.

22 Q What is the "X" mark that appears below the word
23 "Misc." and then the name "John Fahey"?

24 Do you see the "X"?

25 A Yes.

26 Q Is that your "X"?

27 Is that your mark?

28 A Well, I might be mistaken in saying yes or no. I

1 can't say. I can't remember.

2 Q You can't remember?

3 A Well, I can't remember.

4 Q Did you ever make that kind of mark on any of
5 these slips?

6 A No; first of all, let me tell you about this
7 thing here.

8 First of all, that is his writing here and I
9 can't remember this thing here. I can't remember now at
10 that time because if this thing had been thrown out or was
11 still kept in the envelope because it was of no importance.

12 Q What was of no importance?

13 A Because he was looking for the sealed exhibits.

14 Q I'm not quite sure what you mean when you say
15 "it was of no importance".

16 What do you mean?

17 A His looking for something restricted.

18 Q All right; let's leave Exhibit 2 and go on to
19 Exhibit Number 3; that's the next one.

20 Do you see that?

21 A Yes.

22 Q Are these your initials, "F.K."?

23 A Yes.

24 Q That is dated July 21.

25 Do you know the year?

26 A It should be '70.

27 Q And that's the same man, Mr. Faura again?

28 A Yes.

1 Q Did you wait on him?

2 A Yes.

3 Q Or did you bring out any exhibits for him to
4 see?

5 A I think I did.

6 Q Can you tell by just looking at this form, by
7 just looking at the picture in front of you?

8 A Well, I think the exhibits which are marked and
9 he may not have looked at them or I'm not positive now --
10 I'm not sure.

#23 11 Q Now, two of the numbers here have a circle around
12 them.

13 Do you see that here, 84 and then the 5, and
14 there is a circle around both those numbers?

15 A Yes.

16 Q What does that circle mean?

17 A Maybe I couldn't find them.

18 I couldn't find them in the unsealed stuff.

19 Q You're not sure?

20 A I'm not sure.

21 Q Let's go over to Number 18. Do you have that
22 before you?

23 A Yes.

24 Q That is Mr. Harper?

25 A Yes.

26 Q And you see your initials there, "F.K."?

27 A Yes.

28 Q Had you seen Mr. Harper before this particular

1 day, August 12, 1970?

2 A I don't know.

3 Q You don't know?

4 A I can't remember.

5 Q Do you remember Mr. Harper coming in on this
6 particular day, August 12, 1970?

7 A Yes.

8 Q Can you tell us what happened?

9 A First of all, he filled out this slip, and then
10 I inspected his identification and then I went to Room 444.

11 Q Is that where the death penalty exhibits are?

12 A No.

13 Q What is there?

14 A The unsealed exhibits in this particular case.
15 So I couldn't find the exhibits he wanted and --
16 what he wanted to see, I couldn't find for him.

17 Q All right; did you then go out and see
18 Mr. Harper and tell him what you had found?

19 A Yes.

20 Q Did he complain in any way about it?

21 A No.

22 Q Were these the original exhibits or were these
23 copies of the original exhibits, if you know?

24 A Well, I don't know what is the difference between
25 the originals and the copies.

26 Q All right; let's go over to the next --
27 pardon me.

28 Let's take a look at Number 18 again.

1 I don't see any cross marks and I don't see any
2 circles. Does that mean anything to you?

3 A Well, if I had the exhibits right now in front
4 of me I could easily remember. But I don't have them.

5 Q Mr. Abdelmalak, I'm just asking you to look at
6 the picture that you have before you.

7 You don't see any cross marks and you don't see
8 any circles around the exhibit numbers; is that right?

9 A That's right.

10 Q Does the fact that there are no circles or cross
11 marks mean anything to you as to whether you found them or
12 not?

13 A Maybe the ones that are circles.

14 Q But there aren't any circles on Number 18?

15 A No, nothing here.

16 Q Now, you have some circles on the other slips,
17 but as I understand your testimony, you're not certain what
18 the circle means now; is that right?

19 A Maybe that he couldn't see it, or I couldn't find
20 that or I couldn't find those.

21 Q All right; let's take a look at Number 19.
22 That is on August 24, 1970?

23 A Yes.

24 Q That is Mr. Harper again?

25 A Yes.

26 Q And these are your initials, "F.K."?

27 A Right.

28 Q Now, there are a number of exhibits listed at the

1 bottom. Do you see those numbers 47 - 48 - 50 - 51 - 52 and
2 so on?

3 A Yes.

4 Q Now underneath many of these numbers there are
5 some marks. Do you see the marks?

6 A Yes.

7 Q What are those marks?

8 A I don't know.

9 Q Are those your marks?

10 A No.

11 Q Do you know whose marks they are?

12 A That is not my writing here.

13 Q The numbers are not your writing?

14 A No.

15 Q What does that mean?

16 A It may be Mr. Harper's writing, or one of the
17 people who was working with me.

18 Q So there could be more than just yourself
19 involved in this particular transaction?

20 A Yes, sir.

21 Q How does that come about?

22 A Because when I used to go and pull the stuff I
23 was the only one in that section, so I asked for help.

24 Q Do you recall which times, on these exhibits
25 here, that you asked for help?

26 A I think the first time or the second time.

27 Q Well, this is the fourth time. We had exhibits
28 2, 3, 18 and 19, and were you still asking for help up until

1 the fourth time in this case?

2 A I think I asked for help the first time or the
3 second time.

4 Q Did you ask for help at this time on Grand Jury
5 Exhibit Number 19?

6 A I can't remember.

7 Q All right. Do you know what these marks mean
8 underneath the exhibit numbers?

9 A Maybe he saw those exhibits.

10 Q When you say "maybe", I sense that you are not
11 sure?

12 A I'm not sure.

13 Q Do you know whether he saw the original exhibits?
14 Let's call them the sealed exhibits because that seems to
15 have some sense to you as distinguished from unsealed
16 exhibits.

17 A Well, there is a difference between the sealed
18 and the unsealed exhibits.

19 Q Did Mr. Harper see any sealed exhibits?

20 A No, never.

21 Q What is the difference between the sealed
22 exhibits and the unsealed exhibits?

23 A I think anyone can see the unsealed exhibits.

24 The sealed exhibits cannot be seen.

25 Q All right; let's go over to Number 20, that is
26 the exhibit reviewing form slip for September 1, 1970; is that
27 correct?

28 A Yes.

1 Q This is also Mr. Harper?

2 A Yes.

3 Q And this one has a lot of marks on it.

4 Now, take a look down here. Is that your writing

5 at the bottom where we have the exhibit numbers?

6 A No, not the exhibit numbers.

7 Q How about the circles?

8 A I think they are mine.

9 Q And what do the circles mean, Mr. Abdelmalak?

10 Can you tell us by looking at the record?

11 A I think he saw the circled ones.

12 Q What are the "X's" above the circles? What is

13 their significance?

14 A That is for in and out.

15 Q And what do the check marks mean?

16 A Where is it?

17 Q We'll take a look under 52.

18 Do you see a check mark under 52?

19 A Yes.

20 Q What does the check mark mean?

21 A Is it by 52-A?

22 Q No, not by 52-A. You see Number 52?

23 A Yes.

24 Q There is a circle around 52?

25 A Yes.

26 Q You see that?

27 A Yes.

28 Q And you see that there's a check mark underneath

1 the circle?

2 A Yes.

3 Q What does that mean?

4 A This one here?

5 Q Yes, what does that mean?

6 A I think he may have seen that one.

7 I'm not sure about it.

8 Q Under 53 there are two checks marks?

9 A Yes.

10 Q Do you see the two check marks?

11 A Yes.

12 Q Do you know what those two check marks mean?

13 A Oh, I remember now; he was asking for this one

14 here.

15 Q What was the number?

16 A 53.

17 He was asking for it, and I couldn't find it.

18 Q You couldn't find it?

19 A No.

20 Q What happened?

21 A It was not in the unsealed stuff.

22 Q What happened then?

23 A I went to see Mr. Sours.

24 I told him the story, that he wanted to see 53.

25 Mr. Sours asked me if that thing is there or not.

26 I told him it is not, and he asked me to go back and tell him
27 it is not there.

28 Q It was not there among the sealed exhibits?

1 A Yes.

2 Q Did you go see Mr. Buckley, too?

3 A No, Buckley was not in at that time, that's why
4 I saw Mr. Sours.

5 MR. HECHT: May I have just one moment?

6 THE FOREMAN: Certainly, sure.

7 BY MR. HECHT:

8 Q Do you know what I mean when I talk about the
9 hard exhibits as distinguished from pictures or copies of the
10 exhibits?

11 A Yes.

12 Q In other words, if a bullet is introduced in
13 evidence, it comes down to your office, and that is the actual
14 exhibit?

15 A Yes.

16 Q But if someone takes a picture of the bullet,
17 that would be a copy?

18 A Yes.

19 Q Did you ever show anybody the actual hard exhibits
20 in the Sirhan case?

21 A No, not other than Mr. Harper.

22 Q Had you been interviewed on July 22nd, by two
23 investigators from my office? Do you remember that?

24 A Yes.

25 Q I have a transcript of that interview.

26 Were you asked these questions in talking about
27 certain of the exhibit review slips. Mr. Lightner said to you,
28 "Well, do you mean did you make these in here, or did he?"

1 Mr. Lighthner is referring to the exhibit numbers
2 and you said, "Yes, I did myself."

3 Mr. Lightner said, "You have given me that you
4 have brought those exhibits out for him to view?"

5 You said, "Yes."

6 Mr. Lightner said, "That was the actual hard
7 exhibits that he wanted to see?"

8 You said, "Yes."

9 Mr. Lightner said, "You would have brought them
10 to him?"

11 You said, "Yes."

12 Do you remember that?

13 A Yes.

14 Q Why did you tell Mr. Lightner that it was the
15 actual hard exhibits that you had brought out during one of
16 the times when you told us, as I understand you, that you
17 never showed any of the original exhibits, or the actual
18 exhibits to Mr. Harper?

19 A No. Now I know the difference between the hard
20 exhibits and the other exhibits and before I didn't under-
21 stand.

22 Q All right; can I ask you the question then, as I
23 think you now understand the difference.

24 Did you ever show anybody the actual hard
25 exhibits in the Sirhan case?

26 A No.

27 Q Did you ever have trouble in finding any of the
28 exhibits in the Sirhan case?

1 A Yes.

2 Q When did that happen?

3 A When I waited on Mr. Harper.

4 Q What did you do after you found that you had
5 trouble -- first of all, what trouble did you have in
6 finding which exhibits?

7 A I assumed that the ones I couldn't find are
8 sealed.

9 Q Did you tell Mr. Harper that?

10 A No.

11 Q Did anybody have to tell Mr. Harper that certain
12 exhibits couldn't be found, or that they were sealed and
13 that he couldn't see them?

14 A No. No.

15 Q Did Mr. Harper ever complain to Mr. Sours about
16 you?

17 A No.

18 Q Didn't you tell Mr. Lightner when you talked to
19 him that Mr. Harper complained of you in particular to
20 Ken Buckley?

21 A No, I told him it was the other man, Faura.

22 Q Mr. Faura; did he make a complaint?

23 A Yes.

24 Q That's what you've already told us about?

25 A Yes.

26 Q Did you ever handle any of the bullets, the
27 original hard bullets in the Sirhan case?

28 A No.

1 Q Did you ever transport any of the original hard
2 bullets in the Sirhan case from one place to another?

3 A No.

4 MR. HECHT: May I have just one moment?

5 THE FOREMAN: Yes, of course.

6 BY MR. HECHT:

7 Q So that I understand you correctly, are you
8 telling me that you never saw any of the bullets in the
9 Sirhan case; the original bullets?

10 A No.

11 Q On Page 17 of the transcript of your conversation
12 between yourself and Mr. Burnett and Mr. Lightner, you were
13 asked this by Mr. Burnett:

14 "QUESTION: Did you ever handle the
15 bullets?"

16 You said: "What?"

17 "QUESTION: I said, the bullets. Did you
18 ever handle any of the bullets?"

19 You said: "I can't remember what exhibit
20 Number that is."

21 And Mr. Burnett says: "I'm asking you
22 about bullets."

23 Mr. Lightner said: "You would remember
24 the bullets?"

25 You said: "I saw some bullets."

26 Mr. Lightner said: "How many bullets were
27 in the exhibit?"

28 You said: "I'm afraid to say; one, two or

1 three, I can't say."

2 Mr. Lightner said, "Well, I'm not pinning
3 you down. Don't get me wrong."

4 You said: "There was some bullets, yes."

5 Then, later, you were asked how many and you said
6 that you couldn't remember.

7 Do you remember that conversation?

8 A Yes; I remember that conversation but I have all
9 the exhibits, not all of them, if the exhibits were handed to
10 me I can easily remember now.

11 Q Now, let me ask you this. Do you remember any
12 bullets in an envelope?

13 A I can't remember.

14 Q Did you ever give Mr. Harper any bullets from an
15 envelope?

16 A I can't remember.

17 Q To your knowledge, did Mr. Harper ever want to
18 see the original hard exhibits in the Sirhan case?

19 A I think he wanted to.

20 Q Did he tell you that he wanted to?

21 A What was that again?

22 Q Did he tell you that he wanted to see some of the
23 original hard exhibits?

24 A No, he didn't mention any descriptions.

25 Q Well, how do you know he wanted to see some of
26 the original hard exhibits?

27 A Well, I don't know what is the difference between
28 the hard exhibits and the original or the copies, right now.

1 Q The copies are just pictures.

2 A Well, you know, I go by the numbers, that is
3 all.

4 Q Do you remember whether Mr. Harper ever brought
5 in a photographer?

6 A Yes, he did.

7 Q Did you wait on him during that particular time?

8 A Yes.

9 Q When he brought in the photographer, what was the
10 photorapher doing?

11 A Oh, no, I think he was standing beside him
12 and Mr. Harper was doing it.

13 Q What was Mr. Harper doing? Was he examining some
14 bullets or some pictures?

15 A Some bullets.

16 Q Where did he get the bullets?

17 A From the envelope.

18 Q Did you give that to him?

19 A Well, actually, if I see the exhibits right in
20 front of me, I would say.

21 Q Do you recall giving Mr. Harper any bullets of
22 any kind?

23 A I can't remember.

24 Q Let me show you a document. Let me show you
25 Exhibit Number 52.

26 Did you ever see that before?

27 Take a good look at it, Mr. Abdelmalak.

28 A There are a lot of pages.

1 Q Yes, take a good look at it and tell me if it
2 looks familiar to you.

3 A I didn't see it before.

4 Q You have never seen it before?

5 A Never.

6 Q When you first went to the Clerk's Office, did
7 you ask for a job in the exhibit section or were you assigned
8 to work there?

9 A First I started in the mail section and then I
10 was moved to the exhibit section.

11 Q Go ahead.

12 A Then I worked with Ken Buckley because Ken Buckley
13 was the supervisor of the exhibit section.

14 I just went to work with him; that is all.

15 Q That is when you had contact with the exhibits?

16 A Yes.

17 MR. HECHT: I have nothing further.

18 THE FOREMAN: Any questions to be asked of this witness
19 by any member of the Grand Jury?

20 If so, please write them out and they will
21 be directed to the witness through the Deputy District
22 Attorney.

23 Apparently not.

24 I'd like to caution you not to discuss or impart
25 at any time, outside of this jury room, the questions that
26 were asked of you in regard to this matter, or your answers,
27 until authorized by this Grand Jury or the Court to discuss
28 or impart such matters.

1 You will understand that a violation of these
2 instructions on your part may be the basis for a charge
3 against you of contempt of court.

4 Do you understand that?

5 THE WITNESS: I do.

6 (Thereupon, the witness, Fayek K. Abdelmalak, was then
7 escorted from the Grand Jury Hearing Room by the Sergeant At
8 Arms.)

9 MR. HECHT: Mr. Williams.

10 (Thereupon, the witness, Loyless Thomas Williams, was
11 then escorted into the Grand Jury Hearing Room by the Sergeant
12 At Arms.)

13
14
15 LOYLESS THOMAS WILLIAMS,
16 called as a witness before the Grand Jury, was duly sworn as
17 follows:

18 THE FOREMAN: You do solemnly swear that the
19 evidence you shall give in this matter now pending before
20 the Grand Jury of the County of Los Angeles shall be the
21 truth, the whole truth, and nothing but the truth, so help
22 you God?

23 THE WITNESS: I do.

24
25
26 EXAMINATION

27 BY MR. HECHT:

28 Q Mr. Williams, what is your business or occupation?

1 A Criminal Exhibit Custodian.

2 Q How long have you been a Criminal Exhibit
3 Custodian?

4 A About a year and a half.

5 Q Approximately when did you start as a Exhibit
6 Custodian?

7 A It was about October of '69.

8 Q If I make mention to you of the name of
9 William Harper, does that name have any meaning to you?

10 A Yes, it does.

11 Q Do you recall that is someone who came to the
12 Clerk's Office from time to time because of his desire to
13 see certain things that you had in the Clerk's Office?

14 A Yes.

15 Q When was the first time you saw Mr. Harper in
16 connection with the Sirhan case?

17 A That was sometime, I think, in 1970, last year,
18 I'm not sure of the exact time.

19 Q Do you recall the circumstances leading up to and
20 during that particular meeting with him?

21 A He wanted to view the bullets and things in the
22 Sirhan case.

23 Q What happened?

24 A Well, he came up and asked if he could view them
25 and at first we asked him for a letter or something.

26 Q When you say "we", are you talking about what you
27 did or someone else?

28 A My supervisor, he came in when he was there and I

1 had called him out because I really wasn't sure.

2 I think that was the first time I ever had any-
3 thing to do with this case.

4 Q Who was the supervisor?

5 A It was Guy Tracy.

6 Q Incidentally, prior to the time of this encounter
7 with Mr. Harper, had you ever seen a copy of Judge Walker's
8 Court Order in the Sirhan case?

9 A No, I had never even seen the guide envelope
10 before.

11 I had never even realized that the exhibits were
12 there.

13 Q All right; can you tell us what happened?

14 A He came in and he said he wanted to see the
15 bullets and I think Mr. Sours was on vacation and Mr. Walker
16 was there at the time.

17 So I talked to him about it and he made a phone
18 call; I'm not sure who he called but he came back and said it
19 was all right, he could view it as long as we kept an eye on
20 him.

21 So, we got that for him and he was looking at them
22 outside and he was by himself.

23 Q Did you stand there?

24 A He was right outside the window and I stand inside
25 of the window.

26 Q I take it you kept on looking at him?

27 A Yes, I did.

28 Q Do you remember your office giving you a sheet

1 with ten questions on it in connection with this investigation?

2 A No, not really.

3 Q All right; let me show you the sheet I have which
4 was provided me by your office.

5 Do you recognize these questions before you?

6 A Well, yes.

7 Q Now, I'll show you this two-page document, which
8 was represented as being your answers.

9 Do they seem familiar to you, Mr. Williams?

10 A No, this, really; I don't know about that. I
11 don't think I saw that.

12 Q Pardon?

13 A I really don't remember.

14 Q Do you remember -- well, perhaps, let me explain.
15 This is a typewritten copy of your answers to those questions.

16 A Oh, I see. I see what you mean.

17 Yes, I remember this.

18 Q All right.

19 And do you remember those answers were in response
20 to certain questions?

21 A Yes.

22 Q I was interested that when you got to Question
23 Number 10 and the question is:

24 "Add anything else that you remember about the
25 exhibits", meaning the Sirhan case, "including but not limited
26 to written instructions in the guide envelope or any place
27 else or verbatim instructions or anything else that might have
28 been of interest to us."

1 Do you remember that question?

2 A Yes.

3 Q I have as your answer to that question:

4 "I think his name was Harper. I'm not sure.

5 He did bring in a letter he was representing an attorney's
6 office working on the appeal of Sirhan and he should have
7 the right to view any exhibits he wished, the original
8 exhibits and not only copies."

9 Do you remember that part of your answer?

10 A Right.

11 Q All right; going on with your answer:

12 "At that time Mr. Sours was on vacation and
13 Mr. Walker was taking his place so I brought the letter into
14 Mr. Walker and showed him the letter and he called upstairs --
15 I don't know if he talked to the judge personally or a clerk --
16 but he came back and told me we could not turn him down on
17 seeing any particular exhibit."

18 Do you recall that answer?

19 A Yes.

20 Q All right; going on:

21 "He said he had a right to view any exhibit, and
22 he had a right to view them at that time. I think he viewed
23 the photos and expended shells and I think that was about it."

24 Do you remember that?

25 A Yes.

26 Q Your answer goes on:

27 "I asked him, Mr. Walker, about the order that the
28 man brought in because there was no note on the guide stating

1 there had to be a court order to view exhibits or that he
2 could not view them."

3 Do you remember making that statement?

4 A Yes.

5 Q Was it true that there was no note on the guide,
6 meaning the guide envelope stating there had to be a court
7 order to view the exhibits?

8 A No, not at that time.

9 Q I have read your answer to that question and
10 those answers are true?

11 A Yes, it is true.

12 Q All right; let me have one moment.

13 Were you specifically told by any of your super-
14 visors in the clerk's office, and I'm not looking for fault on
15 anybody's part, please understand, but were you ever specifi-
16 cally told by any of your supervisors in the clerk's office
17 that a court order was required by anyone in order that they
18 be permitted to see the exhibits?

19 A You mean a court order, that they had to have a
20 court order themselves to see it?

21 Q Yes.

22 A No.

23 Q Was the court order of Judge Walker of May 20th,
24 1969, ever explained to you by Mr. Talmachoff?

25 A No.

26 Q Was it ever explained to you by any of your
27 supervisors?

28 A My present supervisor.

1 Q Who was that?

2 A Ken Buckley.

3 Q When did he explain that to you?

4 A Let's see; I think it was after all of the
5 problems got started.

6 Q You mean after the District Attorney's
7 investigation got started?

8 A Yes.

9 Q It wasn't explained to you before that?

10 A Not basically; I mean no one ever really delved
11 into it real deeply.

12 Q Were you ever told that whenever anyone came
13 in to see anything on the Sirhan case, any of the exhibits or
14 copies of the exhibits, that you were to go immediately and
15 get Mr. Buckley?

16 A Yes.

17 Q When were you told that?

18 A Not by him but by my previous supervisor.

19 Q Let's see, who told you that?

20 A Guy Tracy and Gary Hairston and then Ken Buckley.

21 Q Did you ever notice that various kinds of
22 scientific equipment was being brought into the Clerk's Office
23 in connection with the Sirhan case?

24 A Yes.

25 Q About how many times do you recall that kind of
26 an event taking place?

27 A I would say four or five times.

28 Q Did you participate in getting any of the evidence

1 that was needed by the people who came in with that equipment?

2 A Yes.

3 Q Did some of that include the original exhibits
4 rather than copies of exhibits?

5 A Yes, the bullets.

6 Q Would you take a look at these exhibits? These
7 are photographs which are enlargements of the exhibit review
8 slips.

9 Tell me if you recognize any of those exhibit
10 review slips that you handled or participated in in some way
11 as far as those transactions are concerned?

12 A Yes.

13 Q All right; you have taken out three exhibit forms,
14 number 14, 21 and 27.

15 A Yes.

16 Q On Exhibit Number 14, what gives you the ability
17 to look at that and say that you were involved in that
18 particular transaction?

19 A On the identification, I wrote down the Social
20 Security Number.

21 Q That is for Mr. Christian; is that right?

22 A Yes.

23 Q Now, can you tell us by looking at that particular
24 exhibit review form, what exhibits were requested by
25 Mr. Christian?

26 A No, not really.

27 Q Why can't you tell us that, sir?

28 A There is no listing there.

1 Q Can you tell us whether Mr. Christian on that
2 particular occasion looked at any exhibits?

3 A Yes, he looked at them, otherwise we tear this
4 up, if he didn't actually view them.

5 Q How can we reconstruct from looking at that
6 particular exhibit what exhibits Mr. Christian actually
7 looked at?

8 A Well, the only way would be if we listed them
9 there.

10 Q Isn't it customary to list the exhibits?

11 A That's correct.

12 Q All right; let's take Number 20.

13 There's quite a list of exhibit numbers on
14 Number 20?

15 A Yes.

16 Q That shows the exhibit numbers that Mr. Harper
17 was interested in?

18 A Yes.

19 Q Isn't it customary to list the numbers of the
20 exhibits on the exhibit review forms?

21 A It is now.

22 Before, when we first started the procedures,
23 we just made a count and checked them.

24 We didn't actually list what they wanted to see
25 or what we actually gave them.

26 Q When did you first start to list what these people
27 wanted to see, do you recall?

28 A As far as I can remember it was sometime in the

1 summer or the latter part of last year.

2 Q Can you tell me how that change came about?

3 A There was a case -- I'm not sure of the name --
4 there was an exhibit -- maybe one was missing or something,
5 so we started listing them and not letting them have too
6 many at a time. We would give them a few numbers so that we
7 could make sure that we got the exhibits back.

8 We would give them a few and then we could check
9 them back and they would get maybe three or four at a time.

10 Q Well, when Mr. Christian came in on the
11 occasions that he filled out Grand Jury Exhibit Number 14,
12 was he shown any of the original evidence?

13 A I'm not really sure. I can't say definitely.
14 I can't remember whether he was or not.

15 I think he was the one that looked at the copies.

16 Q You're talking about Mr. Christian now?

17 A Yes. I think he was the one that looked at the
18 copies of the Ambassador files.

19 Q How many people have you waited on with requests
20 to see exhibits, approximately?

21 A You mean just the Sirhan exhibits?

22 Q In connection with all of the exhibits, would it
23 run into thousands?

24 A No.

25 Q Hundreds?

26 A Maybe hundreds.

27 Q Do you think you have a reasonable recollection
28 of this transaction with Mr. Christian?

#24

1 A No, not really.

2 Q All right.

3 Let me call your attention to Grand Jury Exhibit
4 Number 16, which appears to have the name of Theodore Charach.
5 Do you remember or how is that you are able to pull out that
6 particular exhibit and say you had some connection with it?

7 A Well, I initialed it. I can tell my writing.

8 Q What particular exhibits did Mr. Charach ask
9 to see on April 20, 1970?

10 A I really couldn't say for sure.

11 Q I see that once again there are no numbers
12 written on the bottom of the exhibit review form; is that
13 correct?

14 A Yes.

15 Q Had you by that time instituted the policy of
16 writing the numbers on the exhibit review form?

17 A No.

18 Q Do you know whether Mr. Charach saw any of the
19 original exhibits or any of the copies of the exhibits?

20 A I really couldn't say for certain. I don't
21 remember too much about it.

22 Q Now, Grand Jury Exhibit Number 27, how do you
23 know that you had a connection with that exhibit?

24 A By my writing here.

25 Q I see.

26 And now, in this particular case I see some
27 numbers in the upper right-hand corner; is that correct?

28 A Yes.

1 Q I take it now we're in the time when Exhibit
2 numbers were actually being put down; is that correct?

3 A Yes.

4 Q Can you tell us whether Mrs. Castellano saw
5 any of the original exhibits in this particular instance?

6 A No, I don't believe so.

7 Q Is there anything on this form that tells you
8 that?

9 A Just the numbers; but I can't really remember
10 what they mean.

11 Q All right.

12 I draw your attention to Grand Jury Exhibit
13 Number 50.

14 Would you take a look and tell me if you've ever
15 seen that before?

16 A No, I don't think so.

17 Q All right; one of the Grand Jurors has asked the
18 following question:

19 Based on your experience in the Clerk's Office,
20 whose responsibility would it be for seeing that important
21 documents in important cases, such as the Sirhan case, are
22 properly marked or labeled?

23 A You mean who is directly responsible for it?

24 Q Yes.

25 A I would say probably our supervisor, Ken Buckley.

26 Q All right; I have another Grand Jury question to
27 be directed to this witness.

28 Did Mr. Buckley seem to be acquainted with any

1 of the people who came in to see any of the exhibits in the
2 Sirhan case?

3 A Yes, Mr. Harper, because he came in quite
4 frequently. We all did after awhile.

5 You know, not by name, but just to know him,
6 and that's about it.

7 Q Did Mr. Buckley treat any of these people in any
8 special way?

9 A Well, just for security we tried to watch them;
10 we tried to keep up with the exhibits a little bit more.

11 Q Why was that?

12 A Because of the case, the Sirhan case.

13 Q Who set the policy for destroying forms where
14 exhibits were not delivered?

15 A I'm not sure I understand you.

16 Q I think the question is being asked because you
17 indicated sometime later the policy was started of writing
18 down the numbers on the exhibit review forms.

19 A Yes.

20 Q Before that you must have put the numbers down on
21 little bits of paper?

22 A No, we used the case number.

23 Q What did you do?

24 A We let the person see them.

25 Q Without writing down what was seen on any piece
26 of paper whatsoever?

27 A No.

28 Q What do you mean "no"?

1 A No, we don't have anything we wrote the number
2 of the exhibits down.

3 Q As you sit here, are you aware of any impropriety
4 or any irregularity whatsoever in connection with the handling
5 of the evidence in the Sirhan case by anyone in the Clerk's
6 Office?

7 A No.

8 MR. HECHT: I have nothing further.

9 THE FOREMAN: Anything further?

10 Apparently not.

11 I'd like to caution you not to discuss or impart
12 at any time, outside of this jury room, the questions that
13 were asked of you in regard to this matter, or your answers,
14 until authorized by this Grand Jury or the Court to discuss
15 or impart such matters.

16 You will understand that a violation of these
17 instructions on your part may be the basis for a charge
18 against you of contempt of court.

19 Do you understand that?

20 THE WITNESS: I do.

21 (Thereupon, the witness, Loyless T. Williams, was
22 then escorted from the Grand Jury Hearing Room by the
23 Sergeant At Arms.)

24 THE FOREMAN: We'll take a recess now until 1:30
25 P.M.

26 (Thereupon, the noon adjournment was taken until 1:30
27 P.M., this same date.)
28

---o0o---

1 LOS ANGELES, CALIFORNIA, THURSDAY, AUGUST 19, 1971

2 1:30 P. M.

3 --o0o--

4
5 THE FOREMAN: Let the record show the Grand Jury has
6 reassembled, the same twenty-one Grand Jurors being present
7 that have been present since the inception of the case, and
8 the court reporter is present.

9 You may proceed, Mr. Hecht.

10 MR. HECHT: Mr. Battle, please.

11 (Thereupon, the witness, Winston E. Battle, Jr., was
12 then escorted into the Grand Jury Hearing Room by the Sergeant
13 At Arms.)

14
15
16 WINSTON E. BATTLE, JR.,
17 called as a witness before the Grand Jury, was duly sworn
18 as follows:

19 THE FOREMAN: You do solemnly swear the evidence
20 you shall give in this matter now pending before the
21 Grand Jury of the County of Los Angeles shall be the truth,
22 the whole truth, and nothing but the truth, so help you
23 God?

24 THE WITNESS: I do.

25
26 EXAMINATION

27 BY MR. HECHT:

28 Q Mr. Battle, in my discussion with you outside, I

1 understand you brought with you one of the new viewing slips
2 that is now being used in the Clerk's Office; is that right?

3 A Right.

4 Q You have brought two of the same forms here?

5 A Yes.

6 MR. HECHT: May I leave one up here and label the other
7 Exhibit 56?

8 THE FOREMAN: It will be so marked.

9 MR. HECHT: We can pass the other one around for the
10 entire jury to look at, and that will save some time.

11 Q Mr. Battle, what is your business or occupation?

12 A Criminal Exhibit Custodian.

13 Q How long have you been a Criminal Exhibit
14 Custodian?

15 A Since December 1, 1970; going on nine months.

16 Q What did you do before you were a Custodian
17 Exhibit Clerk?

18 A I was an Intermediate Clerk.

19 Q With the Clerk's Office?

20 A No, with the Department of Adoptions.

21 Q Ever since you've been an Exhibit Custodian
22 Clerk, you have worked on the 4th Floor of this building?

23 A Yes, sir.

24 Q What kind of training period or training sessions
25 did you have when you became an Exhibit Custodian Clerk?

26 A I was the last one to arrive, so I pretty well
27 learned from everybody else.

28 I had a brief orientation period and I picked up

56 id.

1 things also as I went along.

2 Q When you first became an Exhibit Custodian
3 Clerk, were you immediately alerted that there was a
4 court order in existence signed by Judge Walker, restricting
5 the availability of the exhibits in the Sirhan case to the
6 general public?

7 A When I first became a Custodian Clerk?

8 Q Yes.

9 A No.

10 Q When did you first find that out?

11 A I found it out after the hue and cry started.

12 Q After our investigation started?

13 A No, the investigation was after, you know, after
14 they brought in the deal about Sirhan.

15 Q Can you give me a date?

16 A When they first thought there might be something
17 wrong with the Sirhan exhibits.

18 Q How long ago was that?

19 A I couldn't say.

20 Q Can you give us an approximation?

21 A I would say about two months ago.

22 Q That is when our investigation started.

23 A Okay.

24 Q And at that time did someone make you acquainted
25 with the fact there was an order in existence?

26 A Definitely then.

27 Q Who was it who made you acquainted with that
28 fact?

1 A First of all I think Mr. Walker came over.

2 Q What did he say?

3 A I don't know what he said. He didn't talk to
4 me but to Ken Buckley. But I expect we were all around when
5 he did.

6 Q What did he say?

7 A I can't remember exactly what he said.

8 Q Can you tell us in substance what you recall was
9 being said?

10 A They were more or less trying to find out where
11 the court order was, and was it put in the guide envelope
12 or was it here, or was it there.

13 He asked us if we saw a court order and if we had
14 read a court order about it, and then Mr. Sours or Mr.
15 Talmachoff came over and we all talked about it.

16 Q Can you tell us the substance of what was said?

17 A No, I really couldn't do it.

18 It came as a surprise to us that there had, in
19 fact, been a court order.

20 Now, you see, my position, I wasn't really
21 concerned, like I was too busy doing a whole lot of other
22 things and I didn't concern myself about it until I found
23 out how important it was.

24 Q As an Exhibit Custodian Clerk -- can you tell us
25 when you first came to the Clerk's Office?

26 A Yes.

27 Q On what date?

28 A December 1st.

1 Q What year?

2 A 1970.

3 Q On or after December 1, 1970, would it have
4 been possible for someone to come up to the counter and
5 give you an exhibit viewing slip in connection with the
6 Sirhan case?

7 A No, because in my brief orientation he said
8 anything that pertained to the Sirhan case or a Panther
9 case or anything of importance, to call him first.

10 Q Who said that?

11 A Mr. Buckley.

12 Q I see.

13 Did he tell you that there was a court order in
14 existence at that time?

15 A During my orientation, no.

16 Q Suppose he wasn't there, who would you have gone
17 to?

18 A I probably would have gone to Mr. Walker, because
19 he sits directly across from us.

20 Q When did you first come into contact with the
21 exhibits in the Sirhan case, if you ever did?

22 A I believe it was one day when I had to go to 444
23 to get some other exhibits and I went in with Ben Cariaga and
24 he pointed out, "Look right there. That is the Sirhan case,
25 you know." And he pulled out some of the things. We looked
26 at it. We didn't go into the exhibits, but we looked at it
27 and he said that's what it was, and he pointed it out to me at
28 that time.

1 Q Do you recall anyone ever examining what you
2 believed to be the Sirhan exhibits, a member of the public
3 or otherwise?

4 A I don't recall his name, the guy that came in,
5 but I remember when he came in he set up his little machine.

6 Q Mr. Harper?

7 A I couldn't say definitely, but I believe that is
8 his name.

9 He set up his little machine, and I remember
10 because I was interested. I walked by every now and then
11 and tried to sneak a look.

12 Q When you walked by to try to sneak a look, was
13 there another county clerk there who was trying to keep more
14 of an eye on him than you were?

15 A I believe there were two of us up front, and when
16 he took out his little machine, he kept it pretty much on the
17 desk, his desk was facing us, you know.

18 Q Were they examining the items in the public area,
19 or was this under the new system on the table inside?

20 A This was on the table inside.

21 Q Is this the table, the one that is shown on the
22 diagram directly behind you, in the area behind the counter,
23 under the new system?

24 A Yes.

25 Q Do you see the table that's in the public area?

26 A Right.

27 Q That table is outside the counter where the
28 people come up to make their requests?

1 A Yes.

2 Q Was that the table on which he made these
3 observations?

4 A I don't understand.

5 Q Under the old system, as we understand it, they
6 used to examine exhibits outside in the public area?

7 A No, this was the table they had inside there,
8 inside the counter.

9 From the date I came in they have always been
10 inside.

11 Q You came in, after the date of the new system?

12 A I guess so.

13 Q What intrigued you about that particular machine?

14 A Well, just curiosity. I wondered what it was.

15 Q Did you see the machine do anything with the
16 bullets, like punch them?

17 A No, I believe the machine was revolving.

18 Q Did it have any effect on the bullets?

19 A I believe he took the bullet, and he placed it in
20 there and it revolved around, and lights came on, and I just
21 wondered what was going on.

22 Q Did you see anyone in the same area at the same
23 time?

24 A I don't believe so.

25 Q In your opinion, is there a possibility that a
26 member of the public who has come to your office and requested
27 to see an exhibit could substitute or replace the exhibit he
28 was shown with something that he might have brought in?

1 A Then, yes.

2 Now, no.

3 Q How recently is "now", Mr. Battle?

4 A Since the investigation, you know, started, and
5 ever since we tightened up on security.

6 One guy always sits at the table and watches
7 every move but then we were kind of lax and we stood around
8 and watched, you know.

9 Q Isn't it true, Mr. Battle, that prior to the
10 very recent system that has been instituted, that that kind
11 of a substitution would have been quite easy to do?

12 A I wouldn't say "quite easy".

13 Q Did you have a conversation with two of my
14 investigators at the Bureau of Investigation on August 9,
15 1971?

16 A I'm not good at dates.

17 Q You remember coming to our building?

18 A Yes, I did. Okay.

19 Q And you had a conversation with two of my
20 investigators?

21 A Yes.

22 Q Do you recall that conversation or that event?

23 A I know I went upstairs and I talked to one guy
24 and he taped the conversation.

25 Q How about coming over to the Bureau of
26 Investigation which is in our building at 524 North Spring
27 Street?

28 A Is that were Mr. Scarce is?

1 Q Yes, Mr. Scarce is in our office over there where
2 he gives the polygraph tests and interview tests.

3 A Yes.

4 Q During that interview, at the conclusion, I have
5 a transcript of that interview which I'm making reference to,
6 and you were asked your opinion about a member of the public
7 requesting to see a bullet, and upon being shown that item
8 replacing that item with another one of a similar likeness.
9 Do you remember being asked that?

10 A I believe so.

11 Q And didn't you answer that in your opinion that
12 it would be quite easy to do that?

13 A Yes, I did.

14 Q Do you feel that you misstated the fact at that
15 particular time?

16 A Well, both yes and no.

17 You see, like the very tight -- could I explain
18 it?

19 Q Please do.

20 A There are very tight people in the front section
21 but I am not in the front section.

22 I might sit facing the table, but like Stevenson,
23 when he is at the front he sits over in the corner, and he's not
24 really facing him, so I would say I'm a better watcher, but
25 I'm not always looking around. I would say it would not be
26 the easiest way to do that, that's what I meant.

27 Q As of this date, have you actually seen or has
28 anyone ever shown you Judge Walker's court order in this

1 particular case, so you could read it?

2 A Yes, it was passed around.

3 Q Was that during this recent investigation that
4 you made reference to?

5 A In June of this year.

6 Q You say that was in June?

7 A Yes; Mr. Walker came in and talked to us, and I
8 think after that it was passed around. It was put on the
9 board, the bulletin board.

10 Q When was that?

11 A Well, I would say about two months ago.

12 The order was supposed to have been on the
13 board all the time, so I can't say.

14 Q And did you ever read any order on the bulletin
15 board in connection with the Sirhan case?

16 A Yes.

17 Q Was it a one-page or a two-page order?

18 A It was more than one page.

19 Q When did you read that order?

20 A It was back some time, like I say, I don't know
21 the date.

22 Q Was it more than a month ago?

23 A More than a month ago.

24 Q But it could not be more than two months ago?

25 A It could be.

26 Q Have you ever received any written instructions
27 setting for the procedures that you should follow in connection
28 with any exhibit requests to see the Sirhan exhibits?

1 A Yes.

2 Q When was such written instructions given to you?

3 A Recently.

4 Q How recently?

5 A Within the last two weeks.

6 Q I see.

7 Within the very last two weeks?

8 A Yes.

9 Q Written instructions?

10 A Right.

11 Q You're not talking about the court order now?

12 You're talking about instructions as to what procedure

13 should be followed in case someone came in and asked to see

14 the exhibits in the Sirhan case?

15 A Yes.

16 Q Do you remember what those written instructions

17 say?

18 A No, not verbatim.

19 Q Do you remember the substance of them?

20 A No; more or less if somebody comes in refer to

21 the court order or such and such.

22 I can't tell you exactly.

23 Q On how many different occasions did you notice

24 that people were bringing in certain items that looked to be

25 scientific equipment in connection with the Sirhan case?

26 A In connection with the Sirhan case, just that

27 time when that guy came in with the machine.

28 Q Do you remember our office within the last two

1 months giving you a number of questions to answer, ten
2 questions?

3 A Yes.

4 Q And your office supplied me with typewritten
5 answers purportedly made by you.

6 Does this look familiar?

7 A Yes.

8 Q I'm interested in one of the questions and one
9 of the answers and this is Question Number Nine,

10 "Do you remember anything unusual or
11 different or special about the way the
12 exhibits, meaning the Sirhan exhibits, were
13 stored, handled or viewed?"

14 I have your answer down as follows:

15 "Yes. The way they took such care in
16 examining the one bullet and the number of
17 people that came in to look at that bullet."

18 Was that your answer?

19 A Yes, it was.

20 Q Will ou tell me what you mean by the number of
21 people that came in to look at this bullet?

22 A I believe Dr. Noguchi and four or five are
23 called in and they all seemed real concerned, and they all
24 got around the table.

25 Q How many people?

26 A I'm saying four or five.

27 Q It was Dr. Noguchi and at least three others?

28 A Well, three or maybe four of his associates, I

1 think they all came in.

2 Q In addition to Mr. Harper?

3 A Right.

4 Right.

5 Q The bullet in the machine that you are talking
6 about, that was an actual bullet or was it a picture of a
7 bullet?

8 A You mean the spinning?

9 Q Yes.

10 A No, that was a bullet.

11 Q I just want to make sure.

12 Did you ever have a discussion with any of your
13 fellow clerks in connection with preparations for beating the
14 lie detector test?

15 A Well, you see, we were talking about beating the
16 lie detector test, yes, but we were just joking, you know,
17 just joking.

18 Q You mean you were just joking, not serious?

19 A No, not serious.

20 Q Mr. Battle, as you sit there now, do you have any
21 information whatsoever in connection with any irregularity
22 or impropriety that may have existed or that may have occurred
23 in the Clerk's Office in connection with the Sirhan exhibits?

24 A Anything that I found out or discovered?

25 Q Yes.

26 A No. No.

27 MR. HECHT: May I have just one moment, Mr. Foreman?

28 THE FOREMAN: Certainly, counsel.

1 BY MR. HECHT:

2 Q I would like to show you a document, Grand Jury
3 Exhibit Number 52.

4 Have you ever seen this before?

5 A You mean like this?

6 Q Have you ever seen this particular document
7 before or something that resembles this particular docu-
8 ment?

9 A Not, like that, no.

10 Q Now, directing your attention to these exhibit
11 viewing slips, here we have photographs of the exhibit
12 viewing slips slightly enlarged.

13 Would you take a look at them and tell me if
14 you participated in any transactions which those exhibit
15 viewing slips purport to represent?

16 A Yes; I'm trying to look for my handwriting.

17 Q Do you recall waiting on anyone in connection
18 with the Sirhan case?

19 A No, but I recall I was up front when Harper
20 came in so I might have.

21 Q While you're looking for that, Mr. Battle, can
22 you tell us what your educational background is?

23 A I was at L.A.C.C. for two years and after the
24 service I went to El Chino College for about two semesters.
25 Now I am in East Los Angeles, you know, in and out.

26 Q Let me ask you this, Mr. Battle:

27 Having read the court order, at least you have
28 indicated you read the court order.

1 Having read the court order do you feel you
2 understand the meaning of the court order insofar as it
3 relates to the exhibition of the exhibits in the Sirhan
4 case?

5 A Yes.

6 Okay; here's one with my handwriting on it.

7 Q You've just indicated Grand Jury Exhibit Number
8 28, Mr. William W. Harper, is that correct?

9 A Yes.

10 Q What part of this did you fill out?

11 A I filled in the identification.

12 Q How about the notation below where the exhibit
13 numbers are?

14 A That's my handwriting.

15 Q Would you explain to us how you would take the
16 identification from Mr. Harper and somebody else would come
17 along and take care of Mr. Harper's request to view the
18 exhibit?

19 A At that time I was up front most of the time and
20 when I got real busy, I mean, he would come up and give me
21 a hand. He probably came to the window and then he had to
22 fill out the form.

23 They usually, -- I would spin around the chair and
24 check the form out, real quick. Then I would ask to see their
25 identification.

26 Q I see.

27 You checked the identification on this form here?

28 A Yes.

1 Q And that bears your handwriting?

2 A Yes.

3 Q All right; will you see if there were any others?

4 A Okay; here is another one.

5 Q This is Grand Jury Exhibit Number 35; is that

6 correct?

7 A Uh-huh (meaning the affirmative).

8 Q Now, what portion of that exhibit bears your

9 handwriting?

10 A I wrote the case number and I put in his driver's

11 license number.

12 Then I signed my name with the date.

13 Q Why did you sign your name with the date?

14 A I don't remember.

15 Q You signed your name with the date, but you don't

16 remember?

17 A No, I think that's when we started tightening up

18 on the security. You know, there were things missing on the

19 security.

20 Q You mean on June 16, 1971, that's the date that

21 it bears here?

22 A Yes.

23 Q Is that the date they started tightening up on

24 the security?

25 A Well, wait, now. I mean, they called it to our

26 attention that the viewing slips, that with some people they

27 weren't getting the names and the identification on it and

28 you couldn't find out who made out the viewing slip. So, from

1 this time out, I think it was Mr. Buckley or Mr. Sours, they
2 said, "You sign your name on that so we can always check."

3 Q Did you have any connection with the listing of
4 the exhibit numbers on the bottom of the exhibit?

5 A I didn't put that down but I rechecked it before
6 checking it in.

7 Q You say you checked it back in?

8 A Yes; we probably checked it back in.

9 Q Were you the one who waited on Mr. Roberts
10 at that particular time?

11 A Well, I took the slip and maybe I got some of
12 the exhibits.

13 Q Looking at this slip again, is there any way
14 that we can tell whether any other person helped you in
15 getting this material?

16 A No.

17 Q And the only way you can tell is that your hand-
18 writing is on this slip?

19 A Yes.

20 Q Outside of that, is there any other procedure
21 that you can use to tell whether you waited on this person
22 alone or whether someone else waited with you?

23 A No.

24 Q But you do know you had something to do with
25 this slip?

26 A Well, the identification and the case number,
27 and I think I checked the exhibits when they were replaced.

28 Q How can you tell this Grand Jury that you

#25

1 actually had anything to do with this Grand Jury Exhibit
2 Number 35?

3 A Well, there is his identification and my name
4 under that in the upper left-hand corner.

5 Then I remembered that he asked for quite a few
6 things.

7 Q Is there anything else you can remember about
8 this?

9 A I can't remember if I brought them out.

10 Q How can you tell by looking at this record who
11 served him?

12 A You mean whoever brought the exhibits out?

13 Q Yes.

14 A I don't know.

15 Q And that person's name doesn't appear on this?

16 A No, it doesn't.

17 Q You see, having in mind that the purpose of the
18 record is to be able to reconstruct the event as it occurred,
19 that information seems to be lacking to enable us to do it.

20 A Well, they tightened up after a time.

21 Q Your name is not on the Grand Jury Exhibit Number
22 36?

23 A No.

24 Q Or Grand Jury Exhibit Number 37?

25 A No.

26 Q Did you ever make a statement to anyone that you
27 would sabotage the place downstairs?

28 A No.

1 Q Do you ever recall making that statement?

2 A No.

3 Q Do you know a Mr. Christian?

4 A Mr. Christian?

5 Q Yes.

6 A You're not talking about Mr. Kristman?

7 Q I'm not talking about Mr. Ed Kristman.

8 I'm talking about a man, Mr. Christian, whose
9 name appears on some of these exhibit viewing slips.

10 A No, I don't know him.

11 MR. HECHT: I have nothing further.

12 THE FOREMAN: Are there any questions to be asked of
13 this witness by any member of the Grand Jury?

14 If so, please write them out and they will be
15 directed to the witness through the Deputy District
16 Attorney.

17 BY MR. HECHT:

18 Q Let's take a look at Grand Jury Exhibit Number
19 36, sir.

20 There is a second sheet attached to that,
21 bearing your name.

22 Do you see that?

23 A Yes.

24 Q Do you have any recollection why you signed your
25 name at that particular location?

26 A I believe that is because I picked up the
27 exhibits that were returned, and I made sure, I guess, that
28 everything there was returned.

1 MR. HECHT: All right; nothing further.

2 THE FOREMAN: Is there anything else?

3 Apparently not.

4 I'd like to caution you not to discuss or impart
5 at any time, outside of this jury room, the questions that
6 were asked of you in regard to this matter, or your answers,
7 until authorized by this Grand Jury or the Court to discuss
8 or impart such matters.

9 You will understand that a violation of these
10 instructions on your part may be the basis for a charge
11 against you of contempt of court.

12 Do you understand that?

13 THE WITNESS: I do.

14 (Thereupon, the witness, Winston E. Battle, Jr., was
15 then escorted from the Grand Jury Hearing Room by the
16 Sergeant At Arms.)

17 MR. HECHT: Mr. Cariaga.

18 (Thereupon, the witness, Benito B. Cariaga, was then
19 escorted into the Grand Jury Hearing Room by the Sergeant
20 at Arms.)

21
22
23 BENITO B. CARIAGA,
24 called as a witness before the Grand Jury, was duly sworn
25 as follows:

26 THE FOREMAN: You do solemnly swear that the
27 evidence you shall give in this matter now pending before
28 the Grand Jury of the County of Los Angeles shall be the

1 truth, the whole truth, and nothing but the truth, so help
2 you God?

3 THE WITNESS: I do.

4
5
6 EXAMINATION

7 BY MR. HECHT:

8 Q What is your business or occupation?

9 A Criminal Exhibit Custodian, for the County of
10 Los Angeles.

11 Q That's in the Clerk's Office, Criminal Division,
12 downstairs?

13 A Yes.

14 Q How long have you been employed in the Clerk's
15 Office?

16 A Eleven months.

17 That will be a full year September.

18 Q During all that time have you been an Exhibit
19 Custodian Clerk?

20 A Yes.

21 Q Is it basically your duty to take care of people
22 who come to the Clerk's Office and want to see criminal
23 exhibits?

24 A Basically, yes.

25 Q Do you have any other duties there?

26 A Yes, I do.

27 Q What are they?

28 A Intake of exhibits.

1 Q Where is that from?

2 A Well, it is mostly intake of exhibits from the
3 branch courts and then the files of P.H. and destruction
4 of narcotics.

5 Q Did you know, or were you aware that your
6 office was concerned or involved in the handling of exhibits
7 in the Sirhan Bishara Sirhan case?

8 A Yes, sir.

9 Q When did you first become aware of the existence
10 of the Court Order by Judge Walker?

11 A Which court order?

12 Q Well, how many court orders are you aware of?

13 A Two; but I only received one.

14 Q You say you are aware of two orders but you
15 only received one court order?

16 A Yes.

17 Q When did you see the first one that you saw?

18 A Pardon?

19 Q Let me back up.

20 When did you first become aware that there was
21 a court order in existence in connection with the Sirhan
22 case?

23 A When I first started working there, because I
24 was given specific information concerning that subject.

25 Q What information were you given?

26 A I was told certain exhibits were closed, or no
27 one was to see them, and I was also told of a court order
28 showing that some exhibits could be seen.

1 Q Was that specifically mentioned to you in connec-
2 tion with the Sirhan case?

3 A Yes.

4 Q All right; you were interviewed on July 16, 1971,
5 by two investigators from my office; is that true?

6 A Yes, sir.

7 Q I have a copy of the transcript of that particular
8 interview, and on the bottom of the first page you were
9 purportedly quoted as saying that in the Sirhan case you were
10 not aware at that time, and only recently became aware of the
11 court order, "That there was officially a court order, but
12 they were changing most of the employees, and that a court
13 order did exist, and very few people were allowed to view the
14 exhibits."

15 Is that your statement?

16 A Yes, sir.

17 Q Is it a fact that you were not aware at that
18 time but only recently became aware of the existence of the
19 court order in the Sirhan case?

20 A Repeat that question, please.

21 Q Is it true that you indicated in the Sirhan case
22 you were not aware at that time, meaning the time you were
23 employed in the Clerk's Office, but only recently became
24 aware of the court order.

25 Was that a true statement?

26 A I don't understand.

27 Q There seems to be some inconsistency here.

28 You told my investigators that you only recently

1 became aware of the court order as contrasted today that you
2 became aware of the court order when you first came into the
3 Clerk's Office.

4 A When I first came into the Clerk's Office my
5 instructions concerning the Sirhan case was it was to be held
6 or to be viewed or handled different than the others.

7 Q You told it was to be treated differently from
8 the others?

9 A Yes; through my supervisor, Mr. Buckley, that
10 there was a court order -- I did not see the court order but
11 that there was a court order.

12 Q When had you seen the court order, if you had at
13 all?

14 A When the investigator showed it to me during that
15 interview.

16 Q Now you have stated here now, as I understand it,
17 that you became aware that there were two court orders.

18 When did you become aware of the two court
19 orders?

20 A When he advised me.

21 Q Which Judge had signed that court order?

22 A I don't know.

23 Q Did you know Mr. Harper?

24 A Yes.

25 Q Did you have anything to do in waiting on or
26 serving Mr. Harper, when he came into the Clerk's Office
27 in connection with the Sirhan case?

28 A You mean me?

1 Q Yes, if you remember.

2 A Yes. The first time he came to the window to
3 view exhibits he gave me the viewing slip and I saw the
4 Sirhan case so I immediately went to Mr. Buckley because I
5 knew it had to be handled differently.

6 I asked him for his identification, and he went
7 through the regular procedure and Mr. Buckley said he was
8 okay, that he had been there before.

9 So I got the exhibits for him, and I showed him
10 the exhibits.

11 Q How do you know that was the first time?

12 A I don't know, but it was the first time I saw
13 him.

14 Q Do you know the date that specific visit
15 occurred?

16 A Well --

17 Q Could you tell by looking at the viewing slips?

18 A I think so.

19 Q All right. If you'll turn to the Grand Jury
20 Exhibits that are in front of you.

21 Those are photographs of the viewing slips and
22 they're all in sequential order there.

23 A No, none of these seem to be mine.

24 I think this one where it says 10-9-70, I think
25 this one is mine.

26 Q Is that one involving Mr. Harper; to the best of
27 your recollection?

28 A To the best of my recollection I think this is

1 mine because this is the exhibit he asked for, that he normally
2 asked for, and I think this is my cross mark because I
3 usually circle it and then cross it like that.

4 Q What does the circle mean?

5 A The circle means I checked it out.

6 Q That is Grand Jury Exhibit Number 22 you are
7 referring to?

8 A Yes.

9 Q The circle means that you checked it out?

10 A Yes.

11 Q And what does the cross mark across the circle
12 mean?

13 A The cross mark means that I checked it in.

14 Q You notice under identification it says, "O.K."?
15 What does that mean?

16 A That is probably Ken Buckley's "O.K."

17 Q Then the first occasion, which I must assume from
18 your testimony is October 9, 1970, that is the first occasion
19 you handled Mr. Harper and was there some discussion with him
20 in connection with the gun?

21 A Yes.

22 Q You notice here that the very first of the exhibit
23 numbers is Exhibit 6, and Exhibit 6 is of the gun; is that
24 right?

25 A Yes.

26 Q And you said you had some discussion with
27 Mr. Harper about the gun?

28 A Yes.

1 Q What discussion was that?

2 A I brought him a picture of the gun, and he said
3 he did not want a picture, that he wanted the gun itself,
4 and he said that was Exhibit 6 or Exhibit 7 -- no, I mean,
5 Exhibit 6..

6 Q What happened then?

7 A So I go to Mr. Buckley and told him I couldn't
8 find it, and he said that I didn't look hard enough, that I
9 had to go back there.

10 Q Did you find it?

11 A Yes; it was in a box, but it was covered up,
12 and it was hard to find.

13 Q Did Mr. Harper indicate he wanted the gun
14 itself?

15 A Yes; he said he knew it was there because he had
16 just seen it in the last few days.

17 Q That was substantially what you told my
18 investigators?

19 A Yes.

20 Q All right; let me call your attention to Exhibit
21 20, which is dated September 1, 1970, and that shows that
22 Mr. Harper was there.

23 Then take a look at Exhibit 21, which is 9-21-70,
24 also for Mr. Harper.

25 Then we come to the date of October 9, 1970, which
26 is Exhibit 22, where you waited on Mr. Harper.

27 Is it your testimony now that on October 9, 1970,
28 when you waited on Mr. Harper Mr. Harper told you that he had

1 just seen the gun in the last few days?

2 A I don't remember if he said the last few days,
3 he said he had seen the gun before and he knew that was the
4 number.

5 Q Did you ever see someone come in with a camera,
6 accompanying Mr. Harper?

7 A Yes.

8 Q I notice that brings a smile to your face.
9 Are you recalling fond memories?

10 A I don't know if they are fond.

11 Q What do you recall of the gentleman with the
12 camera?

13 A Because I was with him a long time and I got a
14 lot of information from him.

15 He was an old reconnaissance pilot and he explained
16 how the camera was to take a line photograph of the revolving
17 bullet.

18 Q How much time did you spend that particular day
19 looking at the ballistics evidence?

20 A Probably from about 10:00 o'clock to about 4:30
21 or at least 4:00 o'clock.

22 Q Six hours?

23 A Yes.

24 Q Do you have an exhibit viewing slip for that
25 particular day?

26 A I think we do.

27 Q Can you look in that series that you have?

28 A It would some time after that, I think.

1 Q Please check in the exhibits, please.

2 A Well, I see Exhibit 24, November 5, 1970.

3 I think that could be it.

4 Q Are you certain or uncertain about that?

5 A Uncertain.

6 Q Why?

7 A Because there are others from Mr. Harper after

8 that.

9 These are my marks again.

10 Q On Exhibit 24?

11 A Yes.

12 Q That is the date you believe he spent approxi-
13 mately six hours there?

14 A I would say yes.

15 Q What makes you certain they were there from
16 10:00 to 4:00?

17 A Because I think they came in quite early in the
18 morning and -- I know it was not late in the morning and they
19 stayed until almost closing time because I was with them all
20 that time.

21 Q Do you recall recording mentally any impression
22 of this man who was this reconnaissance pilot?

23 A He was very friendly.

24 Q Did he appear to be over-friendly?

25 A I would say he was friendly but not over-friendly.

26 Q You gave a statement to my investigators on July
27 17, 1971.

28 You recall during that statement giving them some

1 observations about this Hycon camera and employee?

2 A Yes.

3 Q You said at that time:

4 "The Hycon Camera employee was taking the
5 photograph and he appeared to be friendly and
6 it did not ring true with him and I picked him
7 out as a phony."

8 Was that your statement?

9 A Yes.

10 Q Was that accurate at the time you gave it?

11 A Yes.

12 Q Now, did you have a conversation with my
13 investigators about the exhibits could be switched under
14 the situation that was going on at that time?

15 A Yes, I did.

16 Q What prompted that conversation?

17 A All kinds of things.

18 Q Like what?

19 A He brought this black bag and he said in a joking
20 manner he probably could; he could probably hide his little
21 green bottle and things like that.

22 Q So you felt that exhibits could be switched under
23 that situation as you viewed them at that time?

24 A It's possible.

25 Q Did you ever, at any time, drop any of the
26 ballistics evidence?

27 A Yes.

28 Q When did you do that?

1 A When Mr. Harper came to see the gun.

2 Q What happened in that regard?

3 A I dropped one of the casings on the floor.

4 Q A shell casing?

5 A Yes; I was confused at the difference between a
6 bullet and a casing.

7 Q But you have since learned what the difference
8 is?

9 A Yes.

10 Q During the time that they were taking these
11 photographs, were you keeping the exhibits under close
12 scrutiny?

13 A Yes.

14 Q Why was that?

15 A Because, well, when they were folding the
16 camera, if they really wanted to, they could get away with
17 some of it.

18 Q No matter how hard you looked?

19 A Yes; but not if you really kept looking.

20 Q Had there been several meetings of the supervisors
21 leading up to new exhibit forms and new regulations regarding
22 the exhibits?

23 A Yes.

24 Q Was that rather recently?

25 A Yes.

26 Q How recently?

27 A Within the month.

28 Q Did Mr. Harper ask you if he could look at a

1 bullet outside of the building?

2 A Yes.

3 Q Do you know a man by the name of Ken?

4 A Ken Buckley.

5 Q Is there more than one Ken?

6 A Yes.

7 Q Did you have a polygraph examination on July 7,
8 1971, by Mr. Scarce?

9 A Yes.

10 Q I have a transcript of that polygraph
11 examination and the conversation that took place.

12 I have it here and it reflects the following
13 conversation:

14 "BY MR. SCARCE: QUESTION: Has Harper asked
15 you to take a bullet from the Sirhan exhibits?

16 "ANSWER: Yes.

17 "QUESTION: You said no?

18 "ANSWER: I said no.

19 "QUESTION: He said he wanted to take it
20 out of the building?

21 "ANSWER: Yes.

22 "QUESTION: But you said no?

23 "ANSWER: Yes; he said he wanted the bullet
24 to photograph it but Ken told him he had to bring
25 the equipment in there.

26 "QUESTION: And did Mr. Harper make that
27 statement to you directly, that request to you
28 directly?

1 "ANSWER: Well, Ken Buckley was over my
2 shoulder.

3 "QUESTION: Tell us what happened at that
4 time.

5 "ANSWER: I think that is the time he spoke
6 to me, that's the first time and he wanted to
7 take it out and take pictures on the Hycon.

8 "Ken said, 'No', that he would have
9 to bring the equipment here to get it done."

10 That was the conversation with the polygraph
11 operator?

12 A Yes.

13 Q Mr. Cariaga, during this time that you have
14 been in the Clerk's Office in connectin with the Sirhan
15 exhibits, did you have any knowledge whatsoever of any
16 irregularities whatsoever in connection with those exhibits,
17 irregularities of any kind?

18 A They were treated specially.

19 Q Other than that?

20 A No.

21 Q I take it you're pretty busy down there in the
22 Clerk's Office on the 4th Floor?

23 A Yes.

24 Q Are there times when a number of people come in
25 at the same time and ask to see various exhibits?

26 A Yes.

27 Q Is it possible, then, that an exhibit custodian
28 clerk who obtained the exhibits apparently is requested or may

1 be called away to either answer the telephone or to help
2 someone else out, leaving no one from the Clerk's Office
3 actually there when people are viewing exhibits in criminal
4 cases?

5 A Yes.

6 Q Does that situation occur rather frequently?

7 A Yes, we try to cover each other as much as
8 possible.

9 Q I direct your attention to Grand Jury Exhibit
10 Number 52.

11 Would you take a look at that and tell me if you
12 have ever seen that before?

13 A It is my notebook.

14 Q It is your notebook?

15 A Yes, from Pasadena City College.

16 Q Well, let's open up your notebook.

17 Is the first page your notebook?

18 A No, sir. It sure looks like mine.

19 Q Have you ever seen that particular document
20 before?

21 A No, sir.

22 Q This purports to be a copy of one of the Sirhan
23 notebooks.

24 Does that refresh your recollection in any way?

25 A No, I have never seen this one.

26 Q Does the name "John Christian" mean anything to
27 you?

28 A No, it doesn't.

1 It does now.

2 Q Why does it now?

3 A I understand he is one of the people that viewed
4 the exhibits.

5 Q Have you looked through each one of these Grand
6 Jury Exhibits here?

7 A Not all of them.

8 Q Could you please look through them and tell me
9 which ones you were involved with.

10 Before you do that, will you take a look at
11 Exhibit 24 and you will note there is no "OUT/TIME" or no
12 "IN/TIME" on there. Is that right?

13 A Yes.

14 Q Is there a reason for that omission?

15 A At the time they were not exactly -- they were
16 not strict on this procedure.

17 Q You say at that time they were not strict on
18 this procedure?

19 A That's right.

20 Q They have been more strict on the procedure more
21 recently?

22 A More recently they are strict on the procedure,
23 yes.

24 Q When was that they became more strict on the
25 procedure?

26 A About three weeks ago.

27 Q Who told you about that?

28 A Mr. Buckley, because there was a new form.

1 Q Let me call your attention to Exhibit 25.
2 You will notice that doesn't have any time under
3 the "OUT/TIME" or under the "IN/TIME"?
4 A That's right.
5 Q And that was still during the period when you
6 weren't being so strict, is that right?
7 A Yes.
8 Q And the date of that is 11-16-70?
9 A I couldn't be sure.
10 Q Exhibit 26, are those your markings on Exhibit
11 26?
12 A Well, maybe the check-in marks.
13 Q Now, let me ask you; since there are a number of
14 employees in the clerk's office, have there been any instruc-
15 tions as to the use of the "X" marks or the "cross" marks or
16 the "circles"?
17 Is that standardized in any way?
18 Do they mean the same thing to each employee?
19 A That is not my impression. I would not say so.
20 Q In other words, you were free to adopt whatever
21 type of markings you want for checking in or checking out?
22 A Yes, but now we have a set form.
23 Q That is within the last three weeks?
24 A Yes.
25 Q Are there any other of these Grand Jury Exhibit
26 forms, these viewing slips that you are familiar with?
27 A I don't think so.
28 MR. HECHT: I have no further questions.

1 THE FOREMAN: Any questions to be asked of this witness
2 by any member of the Grand Jury?

3 If so, please write them out and they will be
4 directed to the witness through the Deputy District
5 Attorney.

6 BY MR. HECHT:

7 Q Referring to Exhibit 36, do you use brush pens
8 down there in the Clerk's Office, as far as the Exhibit Clerks
9 are concerned?

10 A We have a few.

11 Q Now, on Grand Jury Exhibit Number 22, you have
12 indicated that is Mr. Buckley's "O.K."?

13 A That is correct, yes.

14 Q And on Grand Jury Exhibit Number 24, the exhibit
15 numbers seem to be circled in some kind of a brush pen.

16 A Yes.

17 Q Did Mr. Buckley ever engage in bringing in
18 exhibits or copies of exhibits on this occasion that you know
19 of?

20 A He may have, but I'm not sure.

21 Q During the time that Mr. Harper was there
22 for six hours, you remember that day, that he was there
23 from 10:00 A.M. to 4:00 P.M., which would be six hours,
24 was someone else relieving you during the course of that
25 period?

26 A I think at one time I was relieved.

27 Q By whom?

28 A I'm not sure who it was.

1 I think it may have been Winston Battle.

2 Q For what period of time were you relieved?

3 A I walked away to go to the rest room and I
4 think during lunch time.

5 Q Can you give us the name of the person who
6 relieved you?

7 A I think it was either Julius or Winston.

8 Q Will you take a look at Grand Jury Exhibit Number
9 52, again, Mr. Sirhan's notebook?

10 A Yes.

11 Q Once again, so the record is perfectly clear,
12 have you ever seen that document before?

13 A No, sir.

14 Q Did you ever see what purported to be any of
15 Mr. Sirhan's notebooks?

16 A It's very doubtful but I can't say exactly.

17 Q Did the custodian clerks themselves look at any
18 of the exhibits or any of the evidence in the Sirhan case?

19 A Oh, yes; the autopsy pictures, that was one of
20 the first things that I saw.

21 Q How did this come to your attention?

22 Was it a quick peek, so to speak?

23 A I don't know just who was working at the time but
24 they showed to me the autopsy pictures when he was kind of
25 breaking me into the County Clerk's Office.

26 Q Were you supposed to see any exhibits?

27 A Well, they told us the exhibits were there and
28 nobody never said anything about not looking at them.

1 I had a chance to look at the one time; we would
2 look at them when we were getting them or when we were check-
3 ing them in.

4 Q Were you looking through the copies of the ex-
5 hibits or the original exhibits themselves?

6 A Just what they had there.

7 Q Do you know what customer you were waiting on,
8 at the time you looked at the exhibits?

9 A Probably Mr. Harper.

10 Q Do you remember anyone else who asked for the
11 Sirhan exhibits?

12 A No; Mr. Harper is the only one I directly
13 brought the exhibits to review.

14 Q Do you have any knowledge of any other employees
15 looking at the exhibits in the Sirhan case?

16 A I would say yes.

17 Q Who are they?

18 A Well, I think everyone has looked at them.

19 Q When you say "everyone has looked at them", I
20 sense that not everyone has waited on Mr. Harper during the
21 time he has come in there?

22 A Yes.

23 Q Are you telling us that the employees just looked
24 at them out of their curiosity?

25 A Yes; they would look at them, possibly, when
26 they were taking them for viewing or bringing them back in.

27 Q That was the only time that they had a chance to
28 look at them, even though they were accessible?

1 A Yes, but they don't have time.

2 They don't have time to just sit around and look,
3 but when they bring them in and bring them back out, then
4 they can look at them.

5 The only way they can look at them is if they
6 come to work earlier. I guess they couldn't do that, because
7 the vault wouldn't be open that early.

8 Q What time do you start work?

9 A 8:00 o'clock.

10 Q Could one look at them during his lunch hour?

11 A Yes; but he would be wasting his lunch hour.

12 Q Well, it wouldn't be a waste. It would be
13 depending on what his interest was?

14 A Correct.

15 Q When you started working as an Exhibit Custodian
16 Clerk, can you tell us when you first noticed the notation
17 that appears on Exhibit Number 24, and other exhibits through-
18 out this case, where it says:

19 "Removal of exhibits from custody of
20 County Clerk constitutes a felony under
21 Section 6201 Government Code."

22 Did your supervisors discuss this notation with
23 you?

24 A I don't understand.

25 Q You see this notation that says:

26 "Removal of exhibits from custody of
27 County Clerk constitutes a felony under
28 Section 6201 Government Code",

1 and if you'll just glance through the exhibit reviewing slips
2 there, you will see that appears on a number of those
3 exhibit reviewing slips?

4 A Yes.

5 Q And that appeared on those exhibit reviewing
6 slips at the time you went to work?

7 A Yes, they did.

8 Q Did any of your supervisors ever discuss the
9 meaning of that notation with you?

10 A Well, I believe they said something.

11 MR. HECHT: All right; I have no further questions.

12 THE FOREMAN: Any further questions by any of the
13 members of the Grand Jury?

14 Apparently not.

15 I'd like to caution you not to discuss or impart
16 at any time, outside of this jury room, the questions that
17 were asked of you in regard to this matter, or your answers,
18 until authorized by this Grand Jury or the Court to discuss
19 or impart such matters.

20 You will understand that a violation of these
21 instructions on your part may be the basis for a charge
22 against you of contempt of court.

23 Do you understand that?

24 THE WITNESS: I do.

25 (Thereupon, the witness, Benito B. Cariaga, was then
26 escorted from the Grand Jury Hearing Room by the Sergeant
27 At Arms.)

28 MR. HECHT: That's our last witness for today.

1 THE FOREMAN: Then we'll recess now and we'll continue
2 with this case on Monday, which will be August 23rd.

3 If everybody will try to be here by 9:30, we
4 will see if we can't get through by the morning.

5 All right; thank you all for staying so late.

6 (Whereupon, an adjournment was taken until Monday,
7 August 23, 1971, at 9:30 A.M.)

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1 LOS ANGELES, CALIFORNIA, MONDAY, AUGUST 23, 1971

2 9:35 A. M.

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4
5 THE FOREMAN: Let the record show the Grand Jury has
6 reassembled and the court reporter is present.

7 You may call the roll, Mrs. Secretary.

8 (Thereupon, the Secretary complies with the Foreman's
9 request.)

10 THE SECRETARY: There are twenty Grand Jurors
11 present.

12 THE FOREMAN: The record will show that twenty
13 Grand Jurors are present, being the same twenty present
14 since the inception of this matter.

15 You may proceed, Mr. Hecht.

16 MR. HECHT: We'll call Mr. Emory Hatcher.

17 (Thereupon, the witness, Emory G. Hatcher, was then
18 escorted into the Grand Jury Hearing Room by the Sergeant
19 At Arms.)

20
21
22 EMORY G. HATCHER,
23 called as a witness before the Grand Jury, was duly sworn as
24 follows:

25 THE FOREMAN: You do solemnly swear that the
26 evidence you shall give in this matter now pending before
27 the Grand Jury of the County of Los Angeles shall be the
28 truth, the whole truth, and nothing but the truth, so help

1 you God?

2 THE WITNESS: I do.

5 EXAMINATION

6 BY MR. HECHT:

7 Q Good morning, Mr. Hatcher.

8 Would you please tell us your present business
9 or occupation?

10 A Clerk, United States District Court, Central
11 Division of California.

12 Q Your business address?

13 A 312 North Spring Street.

14 Q How long have you occupied your present
15 position?

16 A Approximately twenty months.

17 Q And prior to that time, what was your business
18 or occupation?

19 A Prior to that time I was Chief Deputy County
20 Clerk.

21 Q For how long a period of time did you actually
22 work in the Clerk's Office of the County of Los Angeles?

23 A From approximately 1952, I believe.

24 Q Now, can you tell us what your various job titles
25 were, prior to the time you became Chief Deputy?

26 A Yes. I was in the Sheriff's Department and I
27 took a Civil Service examination for court clerk; that is a
28 courtroom Deputy to a judge.

1 I held that position for approximately a year
2 and a half and during that period I had relieved in the
3 Psychiatric Courts and the Juvenile Courts and I was asked to
4 go over to the Juvenile Courts to reorganize the Clerk's
5 Office of that court, so I headed up the Juvenile Section,
6 which was then a section of the Criminal Division.

7 From that point on I went to the Criminal Division
8 which was then located here on the 6th Floor of the Hall of
9 Justice and I was promoted to Assistant Chief of the Criminal
10 Division.

11 Q Who was the Chief at that time?

12 A At that time Cecil J. Luskin was the Chief.
13 Mr. Luskin was promoted to Chief Deputy County Clerk, and I
14 followed him into that position of Chief of the Division.

15 Then when he was retired I was promoted to
16 Chief Deputy, and I think that was in 1961, and I held that
17 position for approximately eight years.

18 Q During the time you were in the Clerk's Office,
19 and specifically during the time you were Chief Deputy County
20 Clerk, did you become acquainted with and get to know
21 Mr. Peter J. Talmachoff?

22 A Yes, I did.

23 Q We are interested during the course of this
24 investigation in finding out about the handling of the
25 exhibits which were introduced in the Sirhan case.

26 Just to give you a brief orientation, which I
27 think you would need in this matter, do you recall a meeting
28 that was held in the chambers of the Assistant Presiding Judge,

1 at that time Judge Charles A. Loring, at the conclusion of
2 the Sirhan case?

3 A Yes, I do.

4 Q Do you recall when that meeting occurred?

5 A Well, let's see, I've been gone nearly two
6 years, and I took a deferred retirement in December '69,
7 so that was over two years ago -- from two to three years
8 ago, I would say.

9 Q Would the date May 16, 1969, refresh your
10 recollection?

11 A I'm sure that was it.

12 Q Will you tell us the circumstances leading up to
13 your being present at that meeting?

14 A As I recall, Judge Walker telephoned the office
15 of Mr. Sharp, and I believe at that time Mr. Sharp was absent,
16 and of course he then asked for me, because I relieved in his
17 absence, and he asked me to attend the meeting, which was
18 relative to the security of the exhibits at the conclusion of
19 the case.

20 Q Can you tell us whether or not you contacted
21 Mr. Talmachoff to attend that meeting, or whether that contact
22 was independently of your own personal knowledge?

23 A I'm sure, I don't recall exactly, but I'm sure
24 I would have asked anyone concerned with the exhibits to be
25 present at the meeting, and, as I recall, Mr. Talmachoff and
26 Alice Nichikawa were present at that meeting.

27 Q We have a transcript of the proceedings during
28 that conference, Mr. Hatcher, which has been introduced into

1 evidence.

2 In any event, it is our understanding that a few
3 days after the meeting in Judge Loring's chambers, Judge Walker
4 issued a court order in connection with the care and handling
5 of the exhibits.

6 Do you recall that fact?

7 A I'm sure that he did because, as I recall, it was
8 reported, because usually when I attend a conference I would
9 make a memorandum of the conference if it was not reported.

10 Since it was reported I probably did not make a
11 memorandum of the conference.

12 Q Incidentally, when did Mr. Sharp return?

13 A I believe he was on vacation or out of the city
14 for a few days.

15 Q In any event, do you recall Mr. Sharp returning
16 from the absence you made reference to?

17 A I really don't recall.

18 Q Do you recall when that was within a week or two
19 or three weeks from the date of the meeting?

20 A No, I really don't.

21 Q In any event, did you have occasion to communicate
22 to Mr. Sharp upon his return, the fact of the meeting and
23 the contents of the discussion that took place in chambers?

24 A I would think that I would.

25 I always try to keep him informed of anything
26 that transpires during his absence that was in any way
27 unusual and not routine, but I may not have, depending on
28 the pressures at that time.

1 Q Well, would it be fair to say that the Sirhan
2 case, insofar as the operation of the Clerk's Office and
3 the evidence that the Clerk's Office was called upon to handle,
4 would be a reasonably important case?

5 A Most certainly, yes.

6 Q That meeting that was held in Judge Loring's
7 chambers is not a customary procedure, is it?

8 A No, no, very unusual, I would say.

9 Q I take it you would attach some degree of
10 importance to what was said during the conversation in
11 Judge Loring's chambers?

12 A Absolutely.

13 Q Do you have any recollection of telling Mr. Sharp
14 about the fact of the meeting and the subsequent court order
15 that was issued by Judge Walker?

16 A I honestly don't have any recollection that I
17 did.

18 I may have, but I just don't remember.

19 Q Do you recall any conversation from Mr. Sharp to
20 you in connection with the handling of the Sirhan exhibits,
21 between the time of the meeting in Judge Loring's chambers
22 and the time you left the Clerk's Office to go across the
23 street to the Federal Court?

24 A Between the time -- would you repeat the question?

25 MR. HECHT: May we have the question read?

26 THE FOREMAN: Yes.

27 (The pending question is read, as follows:

28 "QUESTION: Do you recall any conversation

1 from Mr. Sharp to you in connection with the
2 handling of the Sirhan exhibits, between the
3 time of the meeting in Judge Loring's chambers
4 and the time you left the Clerk's Office to go
5 across the street to the Federal Court?"

6 THE WITNESS: No, I don't.

7 BY MR. HECHT:

8 Q Now, was Mr. Talmachoff chief of the criminal
9 division at the time of the meeting in Judge Loring's
10 chambers?

11 A Yes.

12 Q Was it your expectation that any conversation
13 relative to the duties of the Clerk's Office that was
14 articulated at that meeting would be handled by Mr. Talmachoff
15 rather than you personally?

16 A Oh, yes, indeed, yes.

17 Q Why is that?

18 A Because he was immediately responsible for the
19 criminal division.

20 Q Do you recall whether or not you made any checks
21 with Mr. Talmachoff to make sure he was implementing the
22 conversation in chambers and the subsequent court order?

23 A I'm sure I did. I've been very concerned about
24 the handling of the criminal exhibits since 1953 and in every
25 budget request that was presented on behalf of the criminal
26 division, then and after I became chief deputy, I tried to
27 stress the importance of the criminal exhibits.

28 We didn't have adequate storage. We didn't have

1 adequate personnel to take care of the exhibits.

2 The personnel that we had was not classified
3 properly. The way that we were storing them was not proper.

4 We invariably made a case for the improvement
5 for the exhibit section, but we were consistently turned down
6 until approximately the time that I left.

7 I started a classification study and requested a
8 classification study and had done that for years. I had
9 requested that there be a classification study by the
10 Personnel Department of the people handling the exhibits and
11 before I left they finally reclassified them into various
12 types of exhibit custodians at a higher salary.

13 These new people were going to come in and be
14 appointed to this position when I left.

15 Then about 1968 I brought in a management trainee
16 by the name of John Walker who holds some position now with
17 the Criminal Division, and he was to look into the entire
18 exhibit problem and make recommendations as to the handling
19 of the exhibits.

20 These things were started before I left.

21 I'm sure there have been improvements.

22 I will say that it was a huge problem, a tre-
23 mendous problem.

24 From the time I first went there we had about
25 5,000 criminal filings a year. I think when I left there was
26 about 35,000 or 40,000 cases and it is a tremendous warehousing
27 problem.

28 The chief administrative office finally realized

1 that it is a problem, a tremendous problem.

2 Q Let me ask you this, Mr. Hatcher, Judge Walker
3 has testified earlier in this proceeding and my memory of his
4 testimony -- let me give you some background as to this
5 matter.

6 You recall the meeting that was held in Judge
7 Loring's chambers was concerned with the evidence that had
8 been introduced in the trial and, therefore, had come into the
9 possession and care of the Clerk's Office after the trial.

10 During that meeting a number of things were said
11 with respect to the packaging of the critical exhibits and I
12 recall Judge Walker's testimony said that he had an expectation
13 that these exhibits would be packaged.

14 Can you tell us if you made any personal
15 efforts to make sure that the recommendations of the hearing
16 were followed through, particularly in this expectation by
17 Judge Walker?

18 A That they would be packaged?

19 Q Yes.

20 A We have very few facilities whereby exhibits could
21 even be locked in within certain storage areas.

22 I believe some arrangements were made to store
23 them in locked cabinets within the storage vault areas.

24 I don't even know at the present time where it
25 was stored.

26 I do know that we had provided certain cabinets
27 that could be locked within certain storage areas.

28 Q That would relate to the storage or the storing

1 of the exhibits?

2 A Yes.

3 Q I have in mind and my question goes as to the
4 packaging, at least of the critical exhibits.

5 A No, that was not done unless something was
6 specifically ordered sealed by the Court.

7 If that was done it would have been placed in
8 some sort of a container and actually sealed with some sort
9 of tape and then placed in an appropriate place.

10 Q Do you recall any conversation between yourself
11 and Mr. Talmachoff after the meeting in Judge Loring's
12 chambers in connection with the court's articulation of its
13 desire to have certain exhibits specially packaged?

14 A I don't recall anything, particularly following
15 the meeting.

16 I would have discussed the meeting with Alice and
17 Pete.

18 Q When you say "Alice", you mean Alice Nishikawa?

19 A Yes.

20 Q And when you say "Pete", you mean Peter J.
21 Talmachoff?

22 A Yes.

23 MR. HECHT: I have nothing further of this witness.

24 THE FOREMAN: Are there any questions to be directed
25 to this witness by any member of the Grand Jury?

26 If so, please write them out and they will be
27 directed to the witness through the Deputy District
28 Attorney.

1 BY MR. HECHT:

2 Q Did it ever come to your attention that the
3 1968 Grand Jury at the end of their term had an audit report
4 that was part of the Grand Jury Report, making reference to
5 the function and duties and responsibilities of the County
6 Clerk's Office?

7 A Yes, certainly.

8 Q And as you sit here now, do you recall the
9 specific findings by the Grand Jury and the recommendations
10 made by that same Grand Jury?

11 A Not specifically. I do know that the Grand Jury
12 was concerned about the handling of the exhibits and I do know
13 that we had taken many steps to try to rectify the situation.

14 Q The question submitted by one of the Grand Jurors
15 goes on to ask:

16 What steps do you recall were presently taken in
17 regard to the Grand Jury's Report and recommendations?

18 A We obtained new space. I was instrumental in
19 obtaining space in the old Municipal Court Building, next to
20 this building.

21 There were two large areas and we made arrange-
22 ments that those doors be secured more securely and the windows
23 to the space be also secured.

24 There was no prime space available and that was
25 just the best that we could get.

26 We obtained one other smaller area, one small room,
27 as I recall, in the basement to the Hall of Justice and I'm
28 sure that was the result of the Grand Jury's recommendations.

1 I also designated Mr. Walker and called him in
2 as a management trainee to work on this problem but actually
3 I had been aware of the problem for years.

4 Also, the reclassification of the exhibit
5 handlers arose out of that, or maybe it was spurred along
6 by the Gand Jury recommendation.

7 Q Let me ask you this question, Mr. Hatcher.

8 What provisions were made, if you know, to have
9 continual instruction and indoctrination for the new exhibit
10 handlers or exhibit custodian clerks, when this new classifica-
11 tion had been approved?

12 A I don't recall when it was approved. I don't think
13 that any of them had been filled before I left.

14 I think it was about the time I left that the
15 positions were filled.

16 Q Why do you believe that your continual requests
17 for a form of improvement of the exhibits in the criminal
18 division were not accepted and why were these improvements
19 so late in coming?

20 A Well, we go through a regular budget process.

21 Each division must submit a budget request to the
22 chief deputy county clerk.

23 He meets with the chief of the division and reviews
24 the requests.

25 I had met with Mr. Talmachoff and others in the
26 division that had any knowledge of what was requested and
27 certainly having been chief of the criminal division I knew
28 what the situation was.

1 I brought up what I felt was needed in the
2 criminal division and we made the proper budget request.

3 Then following this procedure, we then wrote
4 the budget request which went to the chief administrative
5 office.

6 Q Did you incorporate what you have just made
7 reference to in your budget request?

8 A Yes, I was always partial to the criminal
9 division, that was my baby, you know.

10 Then the budget analyst from the chief administra-
11 tive office would come over and we would spend maybe a week or
12 so reviewing all of these requests and, of course, there were
13 a number of things that were going on in the chief administra-
14 tive office in the area of personnel.

15 The personnel department would have to review
16 this and pass upon the request and also upon the reclassifica-
17 tion of divisions and it simply took some time for them to
18 come around to it.

19 Q When you say "we", who do you mean?

20 A Well, myself, Mr. Talmachoff and Mr. Sharp and
21 the other people involved.

22 The problem, the whole problem, if I may speak
23 freely --

24 Q Yes, I invite you to do so.

25 A As I see it, it is a tremendous warehousing
26 problem and I was always concerned with it.

27 I don't know whether these people or the Grand
28 Jurors have seen the physical storage areas, but they are

1 inadequate and they always have been inadequate.

2 The handling of the exhibits has always been
3 inadequate.

4 Most of the exhibits come in prior to the trial
5 and they are very important because the condition of the
6 particular exhibits can determine guilt or innocence.

7 In my opinion they come in, and most of them come
8 in prior to the trial and they should be handled more
9 carefully and more emphasis should be placed on their
10 handling.

11 They should be sealed in some way. There are all
12 sorts of packaging available on the market today, as you know,
13 because if you buy groceries you can hardly open them up.

14 There have been these advances in the area of
15 plastics and I think these exhibits should be sealed so that
16 there won't be any change in their condition.

17 In this state I believe that exhibits are a public
18 record--- unfortunately.

19 I don't think they should be a public record, at
20 least until the trial is over and the person is convicted. I
21 believe at least until that time that access to the exhibits
22 should be restricted.

23 I don't think anyone ought to view these exhibits
24 without a prior order of the court.

25 Q How do you handle it in the Federal Court across
26 the street?

27 A You can bet your bottom dollar that I reviewed the
28 Federal procedures and we are more careful, but we only have

1 10 percent of the volume that Los Angeles County has.

2 Fortunately we have the personnel to handle
3 them properly and we have them all in vaults with very
4 limited access and we could not let people see them without
5 an order of court.

6 We can do it because we don't have the volume.

7 Q Do you know how many felony cases are filed
8 through indictment or through any other process in the
9 Federal Courts.

10 A Well, I can't say throughout the country. There
11 are 93 Districts and our district has about 3,000 a year.

12 Q And you are one of the busier offices?

13 A Yes, we're about the second largest in the
14 country.

15 Q What I'm suggesting is that Los Angeles County
16 files more felony cases each year than the entire United
17 States Federal Jurisdiction handles?

18 A I don't know the figures, but it would approach
19 them, I am sure.

20 Q In the table of organization where did you stand
21 as it relates to Mr. Talmachoff's present position?

22 Here is a chart.

23 You will notice that we have the County Clerk up
24 here and then we have the Chief of the Criminal Division, that
25 is Mr. Talmachoff, and it is my understanding you were right
26 beneath the County Clerk in the Chief Deputy position?

27 A That's correct; but I will say there has been a
28 change since I have been Chief Deputy. Now they have an

1 Assistant Chief Deputy.

2 There are five major divisions who had chiefs
3 that report directly to the Assistant Chief Deputy or the
4 Chief Deputy now.

5 Q One of the questions asked by one of the Grand
6 Jurors is, do you have any information on whether your
7 suggested reclassification of exhibit custodian clerks has
8 improved the caliber of such personnel?

9 A I would say yes, although I don't have any
10 actual knowledge but I'm certain that the caliber of the
11 personnel would improve -- even only because the personnel
12 would stay longer.

13 Now, they are getting better salaries and there
14 is a greater incentive to go up the ladder of promotion.

15 Q One of the Grand Jurors asks the following
16 question:

17 Do you have any reason or do you recall any
18 reason for not specifically checking to make sure that Mr.
19 Talmachoff carried through with all the suggestions and
20 recommendations made during the conference in Judge Loring's
21 chamber?

22 A I may have.

23 I really don't have any recollection; it's been
24 quite a long time ago.

25 Q One of the Grand Jurors asks the following
26 question:

27 Are you personally a good friend of Mr. Sharp's?

28 A We have never socialized except at official

1 functions through the office.

2 Q One of the Grand Jurors asks the following
3 question:

4 To your knowledge, how active is Mr. Sharp in
5 administering and reforming his department?

6 A I think Mr. Sharp is interested in reform.

7 He let me pretty well run the department from
8 a business point of view.

9 Q You understand the question is not "how
10 interested" but "how active".

11 A May I have the question again?

12 Q Yes.

13 The question is:

14 How active is Mr. Sharp in administering and
15 reforming his department?

16 A I would say decreasingly active in recent years.

17 Q Why?

18 A Why?

19 Q Yes, sir.

20 A Well, I think he had a good deal of confidence in me,
21 I feel that he felt that I did especially well in certain areas
22 because I am a lawyer and he was not a lawyer.

23 I think I understood some of the things that he
24 didn't understand and could better implement the changes but he
25 was a good boss and I kept him informed of the most important
26 and significant matters that occurred while I was running the
27 department.

28 Q Who replaced you when you left the Clerk's Office?

1 A Mr. Cabell.

2 Q Was Mr. Cabell one of the chiefs of the
3 divisions in the Clerk's Office?

4 A He was not.

5 Q Was he in the Clerk's Office when you were
6 Chief Deputy?

7 A No.

8 Q Can you tell us how it was that Mr. Cabell was
9 brought into the Clerk's Office, as distinguished from
10 promoting someone within the department to the top position
11 of chief deputy, if you know?

12 A I really don't know.

13 As I recall, it was an open competitive
14 examination, open to the entire county at large and I
15 understand that a number of people within the County Clerk's
16 Office applied for the position and were interviewed.

17 This was a change because Mr. Luskin came from
18 within the department as, of course, I did.

19 Mr. Sharp held the position prior to that and
20 I believe he was administrative assistant prior to his being
21 promoted to chief clerk.

22 Q One of the Grand Jurors asks the following
23 question:

24 During your administration, during your tenure
25 as chief deputy in the Clerk's Office, you testified in
26 substance you had some differences, perhaps even difficulty,
27 in putting matters in order. Do you think that the people
28 that followed you, or do you have any information in that

1 regard as to whether the people that followed you had the same
2 problem, such as Mr. Cabell?

3 A No, I really don't know. I have kept contact
4 with them and I've gone to lunch with some of them
5 occasionally and I'm certainly interested as to some of the
6 reforms that were instituted prior to my leaving but I can't
7 really answer that specifically.

8 Q Mr. John Walker, whom you indicated you brought
9 in, and I'm referring to another question by a Grand Juror,
10 did he do the job you anticipated that he would do?

11 A Prior to my leaving I thought that John had done
12 an excellent job. I personally inspected some of the areas
13 that the Grand Jury has been concerned with and I noted a
14 marked improvement.

15 He had looked into many heretofore unexplored
16 areas and came up with some excellent recommendations and
17 some of them would have been expensive to implement.

18 Packaging all those exhibits would be a tremendous
19 proposition, but I think it has to be done.

20 MR. HECHT: I have nothing further.

21 THE FOREMAN: Any further questions?

22 Apparently not.

23 I don't feel that I have to admonish you concern-
24 ing the secrecy of your testimony before the Grand Jury.

25 THE WITNESS: Not at all.

26 THE FOREMAN: I don't think so.

27 Thank you for coming in.

28 (Thereupon, the witness, Emory G. Hatcher, was then

1 escorted from the Grand Jury Hearing Room by the Sergeant
2 At Arms.)

3 MR. HECHT: Mr. Hall.

4 (Thereupon, the witness, Dale P. Hall, was then
5 escorted into the Grand Jury Hearing Room by the Sergeant
6 At Arms.)

7
8
9 DALE P. HALL,
10 called as a witness before the Grand Jury, was duly sworn
11 as follows:

12 THE FOREMAN: You do solemnly swear that the evidence
13 you shall give in this matter now pending before the
14 Grand Jury of the County of Los Angeles shall be the
15 truth, the whole truth, and nothing but the truth, so help
16 you God?

17 THE WITNESS: I do.

18
19
20 EXAMINATION

21 BY MR. HECHT:

22 Q Mr. Hall, what is your business or occupation,
23 sir?

24 A I'm a Criminal Custodian Clerk.

25 Q How long have you been in the County Clerk's
26 Office?

27 A Two and a half years.

28 Q During all of the two and a half years that you

1 have worked in the Clerk's Office have you worked here on the
2 4th Floor of this building?

3 A Yes.

4 Q Have you been concerned during that prior period
5 of time with the handling of exhibits?

6 A No, I have not.

7 Q What did you do before you did that?

8 A Well, I worked in the Criminal Records Section
9 for approximately nine months.

10 Q All right; how much time have you been
11 a Criminal Exhibit Custodian?

12 A Oh, it will be a year in September.

13 Q Mr. Hall, your office has submitted approximately
14 10 questions to you and various other custodian clerks a
15 number of weeks ago and they have supplied me with a type-
16 written list of questions and what purports to be your
17 answers.

18 Will you take a look at these questions and
19 answers and tell me if you recognize if those are your answers
20 to those questions?

21 A Which ones?

22 Q I think your answers may have been typewritten
23 by the Clerk's Office.

24 A Okay.

25 Q These are your answers?

26 A Yes.

27 Q All right; will you please note Question 4,
28 "What special instructions were given in regard to viewing the

1 Sirhan case exhibits?"

2 And your answer was, "None that I recall".

3 A Right.

4 Q Was that a correct statement on your part?

5 A Yes.

6 Q All right, question Number 9.

7 "Do you remember anything unusual or different
8 or special, the way the exhibits, meaning the Sirhan exhibits,
9 were stored, handled or I guess the word is viewed?"

10 Your answer is:

11 "Yes, the number of gentlemen viewing the
12 exhibits were five or more. That, to me, was unusual."

13 Was that correct?

14 A Yes.

15 Q When you say five or more, do you mean that on
16 occasion there would be more than five or more people at
17 a time?

18 A Yes.

19 In one instance there was five or more
20 people viewing the exhibit.

21 Q There was one time there were five or more people
22 viewing the exhibit?

23 A Yes.

24 Q Had you brought out certain exhibits for these
25 people to view?

26 A No, I don't think I did.

27 Q How did it come to your attention?

28 A I was just working in the section. We have other

#27

1 duties and I happened to notice all the people around, which
2 was very unusual.

3 They were outside the section with photography
4 equipment, and I'm not certain who they were, but the whole
5 side of the office was lit up.

6 Q Did you see that just in passing?

7 A No.

8 Q You came out and you were wondering what was
9 going on?

10 A Yes.

11 Q Did you see any other personnel from the Clerk's
12 Office in the same group that was looking at the exhibits?

13 A Well, at the time we had a viewing desk outside
14 of the section and a person would watch from inside the window
15 and observe what was going on.

16 Q Did you see any observations being made of the
17 people watching the exhibits?

18 A It was, we always, I or others, watching what is
19 going on. But with that many people I would say it's quite
20 difficult. There were five people standing around the
21 exhibits.

22 Q Do you know that they were examinig the exhibits
23 in the Sirhan case?

24 A I think they were because one gentleman I had
25 given the exhibits to before for him to view and he was out
26 there and I assumed it was the Sirhan case.

27 Q And the rest of your answer is, referring back to
28 the portion of the answer supplied by me:

1 "Also the entire corner was lighted with photo
2 lighting equipment."

3 Is that a correct statement?

4 A Yes.

5 Q Would it be fair to say that this appeared to be
6 a big production, you couldn't avoid seeing it?

7 A Yes.

8 Q While you were waiting in the waiting room did
9 my associate bring out to you these exhibit viewing forms?

10 A Yes.

11 Q Did you select just one?

12 A Yes.

13 Q You recall having some connection with this
14 Grand Jury Exhibit Number 16?

15 A Yes.

16 Q How do you know you had some contact with that
17 exhibit?

18 A Well, I can see the time in and the time out,
19 and that is my writing and my initial by the time in.

20 Q Referring to the initials "D.H." by "IN/TIME"
21 on this Exhibit 16?

22 A Yes.

23 Q And that deals with a man by the name of
24 Ted Charach?

25 A Right.

26 Q Can you tell by looking at that review form you
27 were the person that actually brought the exhibits to
28 Mr. Charach or the copy of the exhibits, whatever he looked

1 at?

2 A No, I didn't because I checked it back in.

3 At the time one person would check the exhibits
4 out and another person would check the exhibits in.

5 Therefore, I can't be sure looking at the form --
6 I could have checked the exhibits out but there are no
7 initials put on there.

8 Q I see.

9 Can you tell me what your best memory is as to
10 why these forms weren't filled out in their entirety?

11 I'm not looking for fault on your part; I would
12 just like to find out why.

13 A Well, just the lack of follow-through.

14 Q What do you mean by "lack of follow-through"?

15 A Lack of follow-through of the complete procedure.

16 Q Did you ever have any instructions from --

17 A I might say at one time we were told to use the
18 forms completely and then later on it was completely changed
19 where the procedure was changed and then we were told to fill
20 out the forms completely.

21 Q Did someone say you didn't have to fill them out
22 completely any more?

23 A No one told us specifically, I guess; everybody
24 just slacked up on it.

25 Q I see.

26 Have you ever received any instructions from
27 Mr. Talmachoff or any of the supervisors on the 4th Floor
28 of the Clerk's Office, as to how a request to see the Sirhan

1 exhibits would be handled by yourself?

2 A No, I did not.

3 Q Have you looked at any of the documents in the
4 Sirhan guide envelope?

5 A You're referring to the viewing forms, et
6 cetera, things like that?

7 Q Anything that may appear in there?

8 A I have seen the guide envelope, yes.

9 Q Did you ever see Judge Walker's Court Order in
10 that guide envelope?

11 A No, sir.

12 You see, we had to pull the white slip to verify
13 the exhibits when we check them back in.

14 Q How would you, if, for instance, there was a
15 special case that required unique handling, like the Sirhan
16 case, how would you know about that?

17 A Well, the first time I did handle it there was
18 one gentleman that always came in, and everything was to be
19 referred to the supervisor the first time.

20 Q Who was that?

21 A Mr. Buckley.

22 Q Go ahead.

23 A He would always say -- that one guy came in about
24 three or four times a week, and he would say, "Let him see the
25 exhibits."

26 So everybody was taking it for granted that the
27 exhibits could be viewed.

28 Q Are you talking about the original exhibits?

1 A Right; to my knowledge.

2 Q Showing you Exhibit Number 47. Do you recognize
3 the man?

4 A That's right. I think he had on glasses when I
5 saw him.

6 Q That was the one that you say was coming in about
7 twice a week?

8 A Approximately three or two times a week, he would
9 come in and view the exhibits.

10 Q When he would be there, and somebody was getting
11 the exhibits, would you know what he wanted to see, or would
12 he have to fill out a form?

13 A I'm quite sure he filled out a form. That
14 picture looked like him, but he had glasses on.

15 Q Do you remember a day in which that gentleman
16 and others were there photographing and taking pictures?

17 A Yes.

18 Q You remember that day?

19 A Right.

20 Q Those people were not being watched to any great
21 extent, were they?

22 A They were being watched. Buckley said there were
23 five people standing around and there was all the confusion
24 and that's why we had to watch them.

25 Q Do you recall having an interview with me, as a
26 matter of fact, on Wednesday, June 9, 1971, in the District
27 Attorney's Office?

28 A Yes.

1 Q Do you remember there was a reporter there who
2 was taking down everything?

3 A Yes.

4 Q And there was a tape recorder going?

5 A Yes.

6 Q I have had a transcription made of our conference
7 and I would like to invite your attention to Page 6, Line 21,
8 or let's go to Page 6, Line 14.

9 The questions are by me.

10 "QUESTION: What was said and what did
11 you do?

12 "ANSWER: I think once or twice I saw it.

13 "QUESTION: Let's see. There was a group
14 of people out there that were photocopying or
15 taking pictures?

16 "ANSWER: They had the cameras, all that
17 sort of thing.

18 "QUESTION: You were actually watching them
19 and what they were doing?

20 "ANSWER: Not to any great extent.

21 "QUESTION: What do you mean by that?

22 "ANSWER: Not just standing the whole time
23 they were out there.

24 "We would see them for a while and then
25 someone else would be there.

26 "QUESTION: What do you mean 'someone else
27 would be there'?

28 "ANSWER: Like I would stand there and a

1 person would relieve me.

2 "QUESTION: Why would a person relieve you?

3 "ANSWER: Well, we have our duties around
4 there, the whole thing wouldn't be devoted to one
5 individual. The phone would ring and we had to do
6 some other jobs.

7 "QUESTION: Is it possible the phone was
8 ringing and you had to see someone else and so
9 there would be nobody there with them watching the
10 exhibits?

11 "ANSWER: That is possible."

12 Is that a correct answer?

13 A Yes.

14 Q Now, I notice you pulled out just one of the
15 exhibit review slips.

16 That was Grand Jury Exhibit Number 16 and we
17 asked you about that.

18 Now, can you recall waiting on other people who
19 were there to see the Sirhan evidence?

20 A Actually that's the only person I recall.

21 That gentleman here, that's the only person I
22 can remember.

23 Q Was it ever brought to your attention by the
24 people you worked for, your supervisors, that a court order
25 was needed by anyone who wanted to see any of the original
26 exhibits in the Sirhan case?

27 A Not prior -- no, not until this investigation.

28 Q Mr. Hall, can you give me any assurance that during

1 the time that these people came to see the evidence and they
2 were there with equipment or even without equipment that no
3 tampering occurred or any alterations occurred with the Sirhan
4 exhibits?

5 Can you tell me that I have your assurance to
6 that effect?

7 A I cannot.

8 Q There is no way that you can definitely know?

9 A Yes, because we cannot be 100 percent sure even
10 though we were watching constantly.

11 Q My question is:

12 What about the old system, what was there about
13 the old system where this kind of alteration or tampering
14 could take place?

15 In other words, having in mind that you did the
16 best you could.

17 A Right.

18 Q All right; what is your answer to that?

19 A Having them outside, like I say, there were five
20 gentlemen, there were five people working there. You know
21 five people have ten hands and you only have two eyes.

22 Q Your answer is you only have two eyes and you
23 can't watch five people, is that it?

24 A I would say yes.

25 Q Then you didn't know what was going on, really?

26 A I didn't know what was going on, really.

27 Q Do you recall making a statement like that?

28 A Yes.

1 Q Was that a truthful statement by you?

2 A Yes, it was.

3 Q As I understand your testimony, the first time
4 that this photographic equipment was out there you really
5 didn't know what was going on?

6 A That's right.

7 Q Now, when a person comes to see the exhibits and
8 if there is more than one person in the party, I take it they
9 all did not have to place their names on the exhibit review
10 form; isn't that true?

11 A That's true.

12 Q Did it enter your mind when you saw these people,
13 this group of people out there in connection with the Sirhan
14 evidence, did you wonder if they could do that?

15 A Yes, I did, but I assumed when the bosses,
16 Mr. Talmachoff and Mr. Sours, were there that they could do
17 it.

18 MR. HECHT: All right; thank you.

19 I have no further questions.

20 THE FOREMAN: Any questions to be asked of this witness
21 by any member of the Grand Jury?

22 If so, please write them out and they will be
23 directed to the witness through the Deputy District
24 Attorney.

25 BY MR. HECHT:

26 Q I have a number of questions from the Grand
27 Jurors.

28 One of the Grand Jurors is making reference to

1 the failure to keep up, to completely fill out the exhibit
2 review forms.

3 In what other areas do you feel there was a
4 general attitude of laxity in connection with the operation
5 of the Clerk's Office?

6 A Is that concerning the Sirhan case?

7 Q Let's take, first, about the Sirhan case.

8 A Well, the main thing I can think is the viewing,
9 as far as the people viewing the exhibits there should have
10 been and there is a new system where the person actually
11 comes in -- I mean, he comes inside. I think if that had
12 been installed earlier we wouldn't have the problem that you
13 have now.

14 Q In your opinion, the articles that you were
15 handling were pretty important?

16 A Most definitely.

17 Q All exhibits are important, not just the exhibits
18 that we are inquiring into?

19 A Yes.

20 Q What area of improvements would you suggest insofar
21 as your particular area of work is concerned?

22 A Well, the main thing, I would say, is more
23 security as far as the handling of all exhibits and more room
24 and space where we could store the exhibits better.

25 Q Did you observe, when you saw this group of five
26 or more people and the cameras and so forth, did you observe
27 whether they were looking at the copies of exhibits or the
28 original hard exhibits themselves?

1 A I cannot say.

2 MR. HECHT: That is all.

3 THE FOREMAN: Anything further?

4 Apparently not.

5 I'd like to caution you not to discuss or impart
6 at any time, outside of this jury room, the questions that
7 were asked of you in regard to this matter, or your answers,
8 until authorized by this Grand Jury or the Court to discuss
9 or impart such matters.

10 You will understand that a violation of these
11 instructions on your part may be the basis for a charge
12 against you of contempt of court.

13 Do you understand that?

14 THE WITNESS: I do.

15 (Thereupon, the witness, Dale P. Hall, was then
16 escorted from the Grand Jury Hearing Room by the Sergeant
17 At Arms.)

18 MR. HECHT: Mr. Burnett.

19 (Thereupon, the witness, William R. Burnett, Jr., was
20 then escorted into the Grand Jury Hearing Room by the Sergeant
21 At Arms.)

22
23
24 WILLIAM R. BURNETT, JR.,
25 recalled as a witness before the Grand Jury, was sworn again
26 as follows:

27 THE FOREMAN: You do solemnly swear the evidence you
28 shall give in this matter now pending before the Grand Jury

1 of the County of Los Angeles shall be the truth, the whole
2 truth, and nothing but the truth, so help you God?

3 THE WITNESS: I do.

4
5
6 EXAMINATION (CONTINUED)

7 BY MR. HECHT:

8 Q Mr. Burnett, does the name Guy Tracy have any
9 significance to you?

10 A Yes, it does.

11 Q At my request did you try to find Mr. Tracy?

12 A I have.

13 Q Can you tell us what efforts you made?

14 A Mr. Tracy has not been located.

15 We have attempted on numerous occasions to serve
16 him.

17 I have talked to his mother at the location I
18 have been where he lives and at that location I have left
19 subpoenas with my business card to contact me and we have
20 yet to hear from Mr. Tracy.

21 Q Has his mother indicated to you whether he is
22 available locally?

23 A She indicated to me that he is a very hard
24 individual to find, that he is around and that she would have
25 him get in touch with me but he has never done so.

26 Q At my request did you go up to the Supreme Court
27 office in San Francisco within the past two weeks?

28 A Yes, I did.

1 Q Do you recall when that was?

2 A I believe that was Friday, the 13th of August.

3 Q Now I'm going to introduce certain materials that
4 you brought back at this time from there.

5 MR. HECHT: At this time I would like to introduce
6 certain materials, with your permission, Mr. Foreman.

7 I have here a certified copy of a document which
8 I would like to mark at this time as Grand Jury Exhibit Number
9 57.

10 There is a certification that reads as follows:

11 "SUPREME COURT OF CALIFORNIA

12 "CERTIFICATE

13 "PEOPLE v. SIRHAN

14 "CRIMINAL 14026

15 "L. A. SUPERIOR COURT

16 "Number A-233,421

17 "I, G. E. BISHEL, Clerk of the Supreme Court
18 of the State of California, hereby certify that
19 the attached pages 1 through 76 plus the front and
20 back covers (4 pages) but excluding pages 15, 16,
21 35, 36, 39, 40, 47 and 48, represent a true and
22 correct copy of the People's Exhibit Number 71
23 lodged in this court in connection with the above
24 entitled appeal.

25 "I further certify that the excluded pages
26 are not a part of People's Exhibits Number 71
27 as lodged with this court, but are lodged as
28 People's exhibits bearing different numbers.

1 "WITNESS my hand and the seal of this court
2 this 13th day of August, 1971.

3 "G. E. BISHEL

4 "Clerk of the Supreme Court

5 "of the State of California

6 "MARK THOMPSON

7 "Deputy."

8 Now I have another document that I ask be marked
9 as Exhibit Number 58, and it reads as follows:

10 "SUPREME COURT OF CALIFORNIA

11 "CERTIFICATE

12 "PEOPLE v. SIRHAN

13 "CRIMINAL 14026

14 "L. A. SUPERIOR COURT

15 "Number A-233,421.

16 "I. G. E. BISHEL, Clerk of the Supreme Court
17 of the State of California, hereby certify that
18 the attached pages represent a true and correct
19 copy of People's exhibit Number 71-47, lodged in
20 this court in connection with the above entitled
21 appeal.

22 "WITNESS my hand and the seal of this court
23 this 13th day of August, 1971.

24 "G. E. BISHEL

25 "Clerk of the Supreme Court

26 "of the State of California

27 "MARK THOMPSON

28 "Deputy."

1 Q All right; now, I invite your attention to
2 Exhibit Number 50.

3 Have you seen that before?

4 A Yes, I have.

5 Q And you recall when you first saw it?

6 A Approximately, I think, August 11th.

7 Q And where was it when you saw it?

8 A At the County Clerk's Office.

9 Q When you went down there, did someone go down
10 with you?

11 A Yes, sir.

12 Q Who went down with you?

13 A Deputy District Attorney Trapp.

14 Q The distinguished gentleman sitting to my right?

15 A That's right.

16 Q Did you at that time inventory those documents,
17 I mean inventory this particular exhibit to determine what
18 pages, if any, were missing, if you found pages to be missing?

19 A Yes, I did.

20 Q How many pages did you find to be missing?

21 A Approximately seven.

22 Q Of those seven pages are Pages 4 and 6 missing?

23 A That's correct, they are.

24 Q And in connection with the other pages you made
25 reference to, did you find an explanation as to why they were
26 missing?

27 A Yes; they had been taken out and marked People's
28 71-47, 71-39, 71-35, and 71-15.

1 Q How did you make that determination?

2 A I requested the exhibits from the County Clerk's
3 Office and Mr. Trapp and I sat down at the table and we pre-
4 pared for going through the exhibits and marking off the pages
5 as we progressed and after completing that, we looked at the
6 exhibits and we then located the folders which contained the
7 missing pages which had been introduced as an exhibit them-
8 selves.

9 Q The only two pages that were not included in a
10 separate exhibit were pages 4 and 6?

11 A That's correct.

12 Q In other words, if you combine Grand Jury
13 Exhibit Number 57 and Grand Jury Exhibit Number 58,
14 then you will have the notebooks complete?

15 A That's right.

16 The separate missing pages, pages 15, 35, 39 and
17 47, were taken from People's Exhibit 71 and made separate
18 exhibits themselves.

19 Q So if you combined the two, you'll have the
20 complete notebook?

21 A Yes.

22 MR. HECHT: Thank you.

23 I have nothing further of this witness.

24 THE FOREMAN: Any questions?

25 Apparently not.

26 I'd like to caution you not to discuss or impart
27 at any time, outside of this jury room, the questions that
28 were asked of you in regard to this matter, or your answers,

1 until authorized by this Grand Jury or the Court to discuss
2 or impart such matters.

3 You will understand that a violation of these
4 instructions on your part may be the basis for a charge
5 against you of contempt of court.

6 Do you understand that?

7 THE WITNESS: I do.

8 (Thereupon, the witness, William Burnett, Jr., was then
9 escorted from the Grand Jury Hearing Room by the Sergeant At
10 Arms.)

11 MR. HECHT: Mr. Lightner.

12 (Thereupon, the witness, De Witt C. Lightner, was then
13 escorted into the Grand Jury Hearing Room by the Sergeant At
14 Arms.)

15
16
17 DE WITT C. LIGHTNER,
18 called as a witness before the Grand Jury, was duly sworn as
19 follows:

20 THE FOREMAN: You do solemnly swear that the
21 evidence you shall give in this matter now pending before
22 the Grand Jury of the County of Los Angeles shall be the
23 truth, the whole truth, and nothing but the truth, so
24 help you God?

25 THE WITNESS: I do.
26
27
28

EXAMINATION

1
2 BY MR. HECHT:

3 Q What is your business or occupation, sir?

4 A I'm an investigator with the District Attorney's
5 Office.

6 Q Have you been working with myself, Mr. Trapp and
7 Mr. Burnett in connection with this matter?

8 A Yes, I have.

9 Q I direct your attention to Grand Jury Exhibit
10 Number 52, have you seen that before?

11 A Yes, I have.

12 Q At my request, did you in the past few days, in
13 this room, examine this document to determine what pages,
14 if any, are missing?

15 A Yes, I did.

16 Q Did you make a determination as to what pages, if
17 any, are missing?

18 A Yes, I did.

19 Q For the record, what pages did you find to be
20 missing?

21 A I made a notation on Wednesday, August the 18th,
22 and compared Exhibit 51 with another exhibit, 52, and found
23 the following pages missing -- it's approximately 22, I
24 believe.

25 Number 15.

26 Number 16.

27 Number 19.

28 Number 20.

Number 21.

Number 22.

Number 24.

Number 29.

Number 30.

Number 34.

Number 35.

Number 36.

Number 37.

Number 38.

Number 39.

Number 40.

Number 41.

Number 46.

Number 47.

Number 48.

Number 56.

Number 68.

Number 72.

MR. HECHT: I have no further questions of this witness.

THE FOREMAN: Any further questions?

Apparently not.

I'd like to caution you not to discuss or impart at any time, outside of this jury room, the questions that were asked of you in regard to this matter, or your answers, until authorized by this Grand Jury or the Court to discuss or impart such matters.

1 You will understand that a violation of these
2 instructions on your part may be the basis for a charge
3 against you of contempt of court.

4 Do you understand that?

5 THE WITNESS: I do.

6 (Thereupon, the witness, De Witt C. Lightner, was then
7 escorted from the Grand Jury Hearing Room by the Sergeant At
8 Arms.)

9 MR. HECHT: Mrs. Castellano, please.

10 (Thereupon, the witness, Lillian E. Castellano, was
11 then escorted into the Grand Jury Hearing Room by the
12 Sergeant At Arms.)

13
14
15 LILLIAN E. CASTELLANO,
16 called as a witness before the Grand Jury, was duly sworn
17 as follows:

18 THE FOREMAN: You do solemnly swear that the
19 evidence you shall give in this matter now pending before
20 the Grand Jury of the County of Los Angeles shall be the
21 truth, the whole truth, and nothing but the truth, so
22 help you God?

23 THE WITNESS: I do.

24
25
26 EXAMINATION

27 BY MR. HECHT:

28 Q Mrs. Castellano, I notice you brought a tape

1 recorder into the room outside. I asked you to leave it
2 outside?

3 A Yes, you did.

4 Q It was not on?

5 A No, I had a tape on it that I thought the jury
6 might be interested to hear.

7 Q What is your present address?

8 A 8636 Lookout Mountain Avenue.

9 Q We were informed last week that you had a heart
10 attack.

11 A Well, I had an attack that was not a heart
12 attack; I couldn't get my breath, but, thank God, it wasn't
13 a heart attack.

14 Q Well, we're all pleased to hear that you are in
15 better health, Mrs. Castellano.

16 Will you just sit back and relax and I'll ask
17 you some questions.

18 Mrs. Castellano, have you ever heard of the
19 Kennedy Assassination Truth Committee?

20 A Yes.

21 Q Do you have any connection with that committee?

22 A I am a member of it.

23 Q How long have you been a member of it?

24 A I don't remember. I wasn't a member of it at the
25 very beginning but I have been a member of it since for quite
26 some time, about the time -- well, I went there because of
27 my interest in the Robert Kennedy Assassination and the
28 John Kennedy Assassination and it was started before the

1 Robert Kennedy Assassination and, naturally, it progressed
2 and what I was most interested in, as a member of the Kennedy
3 Assassination Truth Committee, that I found out about the
4 photographs that a man by the name of Mr. Clemente had taken.

5 These are the photographs that appeared first in
6 the Los Angeles Free Press and then it was reprinted in the
7 Midlothian Mirror.

8 Q Let me show you Grand Jury Exhibit Number 27,
9 Mrs. Castellano.

10 Is the Lillian Castellano on this Exhibit your
11 signature?

12 A No.

13 Q That is not your signature?

14 A No.

15 Q I'm talking about the second line.

16 A I know; no.

17 Q How about the third line; is that your printing?

18 A No.

19 Q Did you, in fact, come down to the Clerk's Office
20 on October 30th and October 31st, 1968?

21 A To get the Grand Jury transcript, yes.

22 Q You did come down?

23 A Yes.

24 Q All right, that's what I wanted to make sure.

25 A I signed all over the place.

26 You should have my signature because I signed up.

27 Q Calling your attention to this Grand Jury Exhibit
28 Number 27, do you have any idea as to why your name appears

1 there?

2 A The gentleman that was there, he is telling me
3 I couldn't bring anything in to record it and all this and
4 all that.

5 I came from the Kennedy Assassination Truth
6 Committee and we had taken up a collection to get it.

7 Let me ask you this, Mrs. Castellano; after the
8 Sirhan trial was over, did you again come back to the County
9 Clerk's Office downstairs and make some efforts to see any of
10 the exhibits or copies of the exhibits that had been intro-
11 duced?

12 A Yes.

13 Q How many times did you go to the Clerk's Office
14 for that purpose?

15 A Well, the first time I did sign by Mr. Nelson,
16 Floyd Nelson, another member of the committee and he
17 signed and he was with me.

18 Q Do you remember when that was?

19 A I think that was sometime in June.

20 Q When was the next time you came back?

21 A We didn't get anything at that time and the next
22 time was much later, the latter part of 1970.

23 I had gone down because I had appealed to
24 Supervisor Hahn's Office.

25 Q Then you say you came in December?

26 A The latter part of 1970, I think so.

27 Q Let me show you Grand Jury Exhibit Number 27
28 again.

1 A Yes.

2 Q Is that your signature?

3 A Yes.

4 Q Now, setting this aside, did you ever come back
5 into the office again to look at something in the County
6 Clerk's Office?

7 A Yes; I wanted to get a copy of the autopsy report
8 and I wrote to Dr. Noguchi asking him how I go about it,
9 getting a copy of the autopsy report, and I didn't receive an
10 answer. I didn't receive an answer.

11 Q Mrs. Castellano, did you come back to the Clerk's
12 Office after December of 1970?

13 A Yes, I did.

14 Q How many times more?

15 A Well, I came back and I finally got the autopsy
16 report.

17 I think the most recent time I got a copy of the
18 Booker Griffith file, out of this, which I asked for.

19 Q How many times did you fill out the documents
20 like the one in front of you, Grand Jury Exhibit Number 27?

21 A That is the only time I filled one out.

22 However, it was arranged on the telephone for me
23 from Supervisor Hahn's Office and I paid and I have the
24 receipt.

25 Q You paid for certain copies?

26 A For the autopsy report I paid \$34 and for the
27 Booker Griffith file I paid \$15.

28 Q In the upper right-hand corner of this exhibit we

1 have the number 84, 85, 86, 87, 88 and 115.

2 Did you write those numbers down there?

3 A Yes, I did.

4 Q And what are these numbers?

5 A That's what I asked to see.

6 Q You asked to see those numbers?

7 A They wouldn't show them to me, but they said they
8 would bring them out in a great big box and there is 100 files
9 in here.

10 They did bring out these big brown envelopes
11 and I knew that my time was limited and I knew I couldn't
12 hope to possibly go through all of them so at that time I did
13 get a copy of it.

14 At that time I got a copy of the Robert Jindraw
15 file.

16 I checked the others.

17 I checked some other figures, including the
18 Booker Griffith file and I made notes from it.

19 I didn't get that other file at that time but I
20 got the index and the names contained in each one of these
21 because each one had a lot of files of all the peripheral
22 witnesses.

23 That had been announced in the Los Angeles Times
24 by the District Attorney's Office, that these witnesses were
25 not called but that their files, nevertheless, were being made
26 a part of the record.

27 Q You mentioned just now in your testimony that
28 your time was limited; what did you mean by that?

1 A I work and this was my day off.

2 Also, it's hard for me to get around. I'm old
3 and fat and I haven't got much breath.

4 Q During the time that you were at the Clerk's
5 Office, did you see any of the original hard exhibits, like
6 ballistics evidence or anything like that?

7 A No, I didn't.

8 MR. HECHT: Thank you.

9 I have nothing further.

10 THE FOREMAN: Any questions to be directed to this
11 witness by any members of the Grand Jury.

12 If so, please write them out and they will be
13 directed to the witness through the Deputy District
14 Attorney.

15 BY MR. HECHT:

16 Q One of the Grand Jurors wants to know if you
17 only saw copies of exhibits?

18 A Yes, the young lady at the desk, she gave them
19 to me at that time.

20 Q Who waited on you at that time?

21 A When he got the exhibits, the young man, they had
22 me check them against the envelope to make sure they were all
23 there.

24 Q I'm sorry; one of the Grand Jurors wants to know
25 what is on the tape recording which you brought and which I
26 asked you to leave outside?

27 A The reason why we had the Kennedy Assassination
28 Truth Committee. We have definite evidence, hard evidence of

more than one gun firing in the pantry and it is not dependent on any of the exhibits on file at the Clerk's Office.

Q You brought with you a tape recording of that, Mrs. Castellano?

A Well, Evelle Younger's answer to the article that appeared in the Free Press showing the photographs and asking about mentioning that 10 bullets from an 8-shot revolver and, of course, that was quite a flap, but nobody ever answered the question about Robert Dornan.

There is Evelle Younger doing his best after first giving his disclaimer and holding the article in his hand and the photograph showing that there are too many bullets in the pantry.

He gave the disclaimer, well, of course, at that time I thought we were going to be lucky and they were going to look at the evidence, but they kept on talking about these nuts here, you know, on conspiracy.

But he never really answered the question about the 10 bullets from an 8-bullet revolver.

He just kept jumping around on the tape recorder.

But he doesn't even answer it in any way and he gives the same answer every time he's asked about any of these.

He mentions 4,000 interviews.

We have never seen any of these 4,000 interviews. Nobody ever saw these 4,000 interviews.

Q One of the Grand Jurors wishes to know if you brought these pictures with you today?

1 A Yes, I have them here. I have copies to show
2 you and you can distribute them.

3 One is the picture of two bullet holes and you
4 see Robert Kennedy was going from the stage towards the east
5 side of the Colonial Room on the other side of the pantry.

6 After coming out the door on the back of the stage
7 he came down, this little room, and then there are two swinging
8 doors which are separated by a center divider, a board there,
9 and that door was open and he came through which would be the
10 left-hand side door being led by Carl Uecher, the maitre de
11 or assistant maitre de.

12 These two bullet holes have been encircled by the
13 police and they have numbers and letters around them and they
14 are in the center divider between these two swinging doors
15 which he had passed through and they are in the direction in
16 which Sirhan was shooting, east to west.

17 There were five people behind Robert Kennedy and
18 each one with a bullet taken out of him.

19 So you have five bullets, one bullet from each
20 and three bullets that went through the center divider and
21 the pantry door plus another one in the Associated Press which
22 shows two police officers pointing out the bullet.

23 The Associated Press, I have a copy of that and
24 it shows them both pointing out the bullet with the caption
25 saying, "Two Police Officers inspecting bullet holes found
26 in the framework of the door and the kitchen pantry where
27 Robert Kennedy was shot early today."

28 It's here, the whole thing, and the bullet is still

1 in the wood.

2 It shows two policemen and one of them has his
3 penknife, pointing to this bullet in the wood.

4 All right; you've got five bullets behind
5 Robert Kennedy in the direction Sirhan was shooting, you
6 have three holes in the pantry, two in the center divider
7 and one on the side of the stage door and Robert Kennedy
8 was shot three times and Paul Schrade had a fourth bullet
9 wound.

10 Those are all his shots, according to the
11 autopsy report, and he was shot going from west to east and
12 upwards.

13 I also have another committee photograph which
14 was not published -- we didn't have the money -- that shows
15 the ceiling of the pantry and it is removed over the table
16 where these bullets were.

17 Now, remember that one of these bullets entered
18 the back of the armpit and exited five and three-quarter
19 inches front-center, right over the collarbone.

20 That's from here to here (indicating).

21 Now, we did an experiment and Carl Uecher's
22 testimony is quite clear that he was with his left hand
23 leading Kennedy by his right hand and they were right close
24 to the steam table and Kennedy stopped to talk and Uecher
25 had taken his hand again and they were fairly close to the
26 steam table and then he felt the rush on his right.

27 The way he describes it, Sirhan fell over the
28 steam table and started shooting and we did an experiment and

1 he couldn't get by Uecher because he was shooting straight at
2 Kennedy. Kennedy had his hand held straight out and then
3 the autopsy report, Dr. Noguchi gives the testimony that that
4 particular wound that exited, when from the back to the front
5 and from the right to the left and upward, that wound tract
6 could not be made unless the Senator's arm was extended right
7 out.

8 Now, Kennedy received a particular wound, the
9 wound that had been in the back of the armpit and exited under
10 the collarbone and wound up in the ceiling and his arm was
11 extended forward and his hand was being held by Uecher and
12 at that time Sirhan could not possibly have shot him even as
13 they were saying if Kennedy twisted around.

14 Every way we tried it, with someone taking the
15 part of Kennedy and even laying across the steam table to
16 shake hands -- and supposedly Uecher was there -- and we had
17 someone taking the part of Uecher and Sirhan.

18 There is no way he could get his hand turned
19 around, even with Kennedy lying across the steam table, which
20 he was not, and get that to go in at that angle from the back
21 of the armpit and exiting here (indicating). It was just
22 impossible.

23 MR. HECHE: All right, thank you.

24 Nothing further.

25 THE FOREMAN: Are there any further questions to be
26 directed to the witness by any member of the Grand Jury?

27 Apparently not?

28 THE WITNESS: Could I say something?

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THE FOREMAN: Yes; please do.

THE WITNESS: Well, please, I know, I have always heard that the Grand Jury is the protection of the people.

Is there any way -- there has never been any official notice taken of this material. I have a folder here and may I turn it in to somebody so that it may become part of the evidence of this Grand Jury?

THE FOREMAN: Well, I think that would have to be submitted to the District Attorney for disposition of the matter.

THE WITNESS: I have brought it in, I have brought the whole thing.

You see the ballistics report -- all we have to go by is Kaiser's book.

It isn't a part of the evidence of the trial and of the official police department report.

As I say, there are only 8 bullets and there are 10 bullet holes.

THE FOREMAN: Mrs. Castellano, do you wish to leave that here and then it can be returned to you?

THE WITNESS: I would like you to keep it. I would like everybody to have an opportunity to look at the material. We have spent so much time accumulating this material and I would like everybody to look at it. I would like somebody to take official notice of it.

THE FOREMAN: If you wish, you may leave it here and we'll send it back when you are through.

THE WITNESS: That is not necessary. I would like

1 nothing better than for you to keep it.

2 It is a responsibility and I wish some official
3 notice would be taken of it.

4 THE FOREMAN: I imagine we can receive that as an
5 exhibit and make that a part of the record and keep it
6 here, if that's what you prefer.

7 THE WITNESS: Please do.

8 THE FOREMAN: As I understand it, Mrs. Castellano,
9 you probably feel you would rather not have this in your
10 possession any longer?

11 THE WITNESS: No, I have copies of everything.

12 I just want to get -- I mean, I want somebody
13 to take official notice. I want official notice to be taken
14 of it.

15 THE FOREMAN: You understand, it will just be made a
16 part of our records and kept in our files.

17 THE WITNESS: Well, I think it would be good to have it
18 left here.

19 Here is something that maybe you don't know
20 about.

21 This kitchen worker with the car keys that was
22 found in Sirhan's pocket.

23 His name, we found it and got it from Sacramento,
24 and his name is Robert Jindraw and he appeared in the newspaper
25 as being the owner.

26 I believe that is in the Pasadena Star News and I
27 have a copy of the newspaper here.

28 We have the name of the owner as Robert Jindraw

1 and he makes the name Robert Costa, a Spanish name.

2 You might think that Mr. Houghton was trying to
3 protect some innocent person but I got this from Metro
4 Media.

5 Here is a copy of it.

6 Here is the letter I sent them.

7 It says,

8 "Federal Agency investigating murder
9 of Robert Kennedy has uncovered some evidence
10 that hints at conspiracy."

11 It goes on to say that Sirhan had a car key in his
12 pocket and the car belonged to one of the kitchen workers at
13 the hotel where Senator Kennedy was shot.

14 It goes on to say that reliable sources also
15 report that the Secret Service had a file on that kitchen
16 worker and had his presence been known in the hotel, the
17 police or the Secret Service would have detained the man
18 before the President ever came to town.

19 That was from Metro Media.

20 THE FOREMAN: All right; thank you, Mrs. Castellano.
21 We appreciate it if you'll just leave it here.

22 BY MR. HECHT:

23 Q Wasn't Sirhan's defense attorney interested in
24 that material?

25 A Evidently not because the man who was the head
26 of the Kennedy Assassination Truth Committee, an actor named
27 Mike Farrell, at the time, when we first got the photographs
28 he took it to someone who was supposed to be one of the

1 investigators for the defense team who said at the time that
2 they were most anxious to see that picture.

3 He said, "Why, they are not trying to save
4 Sirhan."

5 I said, "Well, maybe after seeing this they will
6 want to."

7 So I rushed with them and had them Xeroxed and
8 we had the original copies but they were most anxious to see
9 them and he took them to the man and I believe that was
10 Ron Allen, who was supposed to be one of the investigators
11 for the defense team.

12 I understand he not only took it to him but he
13 also took it to Lynn Compton.

14 Q Mrs. Castellano, have you answered my question
15 as to whether this material was of any interest --

16 A I'm trying to tell you.

17 Q Would you please wait until I finish my question?

18 A I'm sorry.

19 Q Have you answered my question as to whether the
20 defense attorneys for Mr. Sirhan were interested in the
21 material that you're talking about here?

22 A To my personal knowledge I gave it to Mr. Farrell
23 to take it to Mr. Ron Allen who was supposed to be one of the
24 investigators for the defense and that's all I know about
25 it.

26 THE FOREMAN: All right, thank you, Mrs. Castellano.

27 I'd like to caution you not to discuss or impart
28 at any time, outside of this jury room, the questions that

1 were asked of you in regard to this matter, or your answers,
2 until authorized by this Grand Jury or the Court to discuss
3 or impart such matters.

4 You will understand that a violation of these
5 instructions on your part may be the basis for a charge
6 against you of contempt of court.

7 Do you understand that?

8 THE WITNESS: I do.

9 THE FOREMAN: Thank you for coming in.

10 Thank you for leaving those documents.

11 MR. HECHT: At the suggestion of the Foreman, may these
12 be marked Grand Jury Exhibit Number 59 and Jindraw file No. 60?

13 THE FOREMAN: It will be so marked.

14 Thank you for coming in.

15 (Thereupon, the witness, Lilliam E. Castellano, was
16 then escorted from the Grand Jury Hearing Room by the
17 Sergeant At Arms.)

18 MR. HECHT: Mr. Faura, please.

19 (Thereupon, the witness, Fernando Faura, was then
20 escorted into the Grand Jury Hearing Room by the Sergeant
21 At Arms.)

22
23
24 FERNANDO FAURA,

25 called as a witness before the Grand Jury, was duly sworn as
26 follows:

27 THE FOREMAN: You do solemnly swear that the
28 evidence you shall give in this matter now pending before

1 the Grand Jury of the County of Los Angeles shall be the
2 truth, the whole truth, and nothing but the truth, so
3 help you God?

4 THE WITNESS: I do.

5
6
7 EXAMINATION

8 BY MR. HECHT:

9 Q Mr. Faura, what is your business or occupation?

10 A I'm a writer, newsman.

11 Q Are you employed by anyone or are you what is
12 referred to as a free-lance writer?

13 A I have my own business, Pacific Press, and
14 Spanish Media Sales.

15 Q Are you familiar with the Sirhan case?

16 A Yes.

17 Q In the sense there was such a case and Mr. Sirhan
18 was tried in this building?

19 A Yes.

20 Q Did you, after the Sirhan case was over, go to
21 the 4th Floor of the County Clerk's Office in an effort to
22 see the original or copies of the various exhibits or documents
23 that had been introduced during the course of the trial?

24 A Yes, I did.

25 Q Approximately how many times did you go down to
26 the Clerk's Office and make an inquiry in that regard?

27 A Twice.

28 Q May I show you two exhibit review forms which have

1 your name on it.

2 That is Grand Jury Exhibit Number 2 and Grand
3 Jury Exhibit Number 3.

4 Do you see your name written on those two forms?

5 A That's correct.

6 Q Would you please take a look at Grand Jury
7 Exhibit Number 2; in the upper left-hand corner it just has
8 the number 7 and that must mean July.

9 Do you remember the date and the year?

10 A Well, I came in on two consecutive days.

11 Q Well, the date on Grand Jury Exhibit Number 3
12 is 7-21, is that correct?

13 A Yes.

14 Q So you either came in on the 20th and the 21st
15 or the 21st and the 22nd of July?

16 A Yes.

17 Q Do you remember the year?

18 A Not really, but I know it was immediately after
19 or a couple of months after the Sirhan trial was over.

20 Q What specific items were you asking for on both
21 of these occasions, do you recall, generally?

22 A Yes; there were some police and FBI records or
23 papers which concerned the involvement of a man called
24 John Fahey, a witness that was present, and my interest was
25 in getting a copy of that document because I was involved in
26 a portion of that document.

27 Q You wished to peruse these documents and see what
28 was said?

1 A Things of that nature.

2 Q Did you see what you came to see?

3 A Yes, I did.

4 Q Did you ever ask to see any of the hard or

5 ballistics evidence or copies of the ballistics evidence?

6 A No.

7 Q Do you know Mr. John Christian?

8 A Yes.

9 Q How is it that you know him?

10 A Well, John Christian is a former newsman, I

11 understand, and he had developed an interest in the investiga-

12 tion, just like I had and several other newsmen, and I don't

13 recall who told me that he was working on a portion of the

14 investigation of the Robert Kennedy killing.

15 Q Did you actually speak to him, did you?

16 A Oh, yes.

17 Q On how many occasions, do you recall?

18 A A couple of dozen occasions.

19 Q Did Mr. Christian ever discuss with you, or you

20 with him, the fact that there were some missing documents or

21 stolen documents from the Clerk's Office here in this

22 building?

23 A Yes; that was very recently.

24 Q How recently was that?

25 A Maybe, oh, I would say, it was -- well, first of

26 all, he was the one that made me aware that these records had

27 been made public and that is how I came down to the Clerk's

28 Office to look for that particular record because he saw my

1 name there.

2 He told me that my name was in there and I came
3 over to secure them.

4 Then there was a discussion about this two-gun
5 theory and I called John Christian, just to keep in touch with
6 him, and so he said he understood that some of the records
7 were now missing.

8 I asked him how he knew that and he said it was
9 on the air, Channel 9, or he heard a broadcast somewhere.

10 Q Do you know a Mr. William Farr, Bill Farr?

11 A Yes.

12 Q Did you have a meeting with him at my request
13 within the past couple of days?

14 A Yes.

15 Q During the time that you had the meeting with him,
16 did you have occasion to discuss with him about the lack of
17 security in the Clerk's Office in connection with the Sirhan
18 exhibits?

19 A Yes.

20 Q Did you make the statement to him that you felt
21 that the security in the Clerk's Office was very poor, when it
22 came to protecting the Sirhan exhibits?

23 A Yes, I did.

24 Q Why did you make that statement?

25 A Why?

26 Q Was it a true statement?

27 A Positively.

28 Q Will you tell the Grand Jury why you felt that

1 statement was true?

2 A When I first came -- it was actually, it grows
3 out of the way that they first stalled me for the documents.

4 When I first came in I always make it a point not
5 to show my press credentials because I'm requesting public
6 records and I think they should be allowed to the public with-
7 out any difficulty and they stalled me for awhile and so on
8 and so forth.

9 Finally I produced my press credentials and
10 started getting mad and raising hell about it.

11 Then they found the records, and they said they
12 knew where they were now.

13 When I filled out this portion here I was standing
14 and I asked him if I could go with him to get the records and
15 he said yes.

16 I don't remember where the room was that we went
17 to, if it was on the same floor or if we took the elevator to
18 go somewhere, I do not recall, but we went to a room where
19 there was all properties and all kinds of exhibits and so
20 forth.

21 Q Did that appear to be a room where they stored
22 exhibits?

23 A Yes, positively; it seemed to me where all the
24 cases, whatever they were, were stored.

25 Q You were actually given access to that room?

26 A Yes.

27 Q You went with a man to this room and you were given
28 access to that room where all these exhibits were?

1 A Yes, sir.

2 Q All right; go ahead, sir.

3 A At that time I felt how silly the whole situation
4 was.

5 First I'm getting double trouble getting records
6 that they are supposed to get free for the public and then I'm
7 allowed to go into a room where they have boxes and boxes and
8 so forth that were clearly marked "Sirhan".

9 I don't recall who started the conversation,
10 whether it was him or I, but there were some sealed boxes
11 which related to the Sirhan case.

12 It raised my interest and I am already alone with
13 this man and if I wanted to take this evidence and make it
14 disappear, all I have to do is to put a gun on his head and
15 tie him down and walk out with it.

16 Q Did you discuss this with him?

17 A No. No. I didn't discuss it with him because I
18 didn't want him to get scared and start running out.

19 Q I am amazed by your statement.

20 Did you ever see any of the so-called hard
21 exhibits, the ballistic evidence or anything like that?

22 A No, I had no interest in that.

23 MR. HECHT: I have no further questions.

24 THE FOREMAN: Are there any questions by any members
25 of the Grand Jury?

26 Apparently not.

27 I'd like to caution you not to discuss or impart,
28 at any time, outside of this jury room, the questions that

1 were asked of you in regard to this matter, or your answers,
2 until authorized by this Grand Jury or the Court to discuss
3 or impart such matters.

4 You will understand that a violation of these
5 instructions on your part may be the basis for a charge
6 against you of contempt of court.

7 Do you understand that?

8 THE WITNESS: I do.

9 MR. HECHT: One of the Grand Jurors does have a
10 question.

11 Q What press credentials do you have?

12 A Foreign correspondent credentials, from RCA
13 National Radio and News from Mexico.

14 Q From what city do you have those credentials?

15 A Sacramento Police Department and
16 Police Department.

17 Q Mr. Faura, one of the Grand Jurors is asking the
18 following question:

19 Had you been inclined to do so, when you were
20 alone in the storage area, had you been inclined to do so
21 were you there long enough to make a deal with the Clerk?

22 A Well, I don't know.

23 Q How long were you there?

24 A I wasn't there very long, no, just a few minutes
25 say five minutes, at the most.

26 Q Did they find what you wanted?

27 A I, frankly, don't even know what in the world they
28 were looking for or what I wanted.

1 What I wanted were papers which I think were
2 upstairs but it is possible that this is almost two years
3 ago and I don't recall where he went to secure these
4 papers.

5 I can't honestly answer that.

6 THE FOREMAN: Is there anything further?

7 Apparently not.

8 Please remember the admonition as to secrecy that
9 has already been given to you.

10 (Thereupon, the witness, Fernando Faura, was then
11 escorted from the Grand Jury Hearing Room by the Sergeant
12 At Arms.)

13 MR. HECHT: Mr. Smith.

14 (Thereupon, the witness, Donald Smith, was then
15 escorted into the Grand Jury Hearing Room by the Sergeant
16 At Arms.)

17
18
19 DONALD SMITH,
20 called as a witness before the Grand Jury, was duly sworn
21 as follows:

22 THE FOREMAN: You do solemnly swear that the
23 evidence you shall give in this matter now pending before
24 the Grand Jury of the County of Los Angeles shall be
25 the truth, the whole truth, and nothing but the truth, so
26 help you God?

27 THE WITNESS: I do.
28

EXAMINATION

1
2 BY MR. HECHT:

3 Q Mr. Smith, what is your business or occupation?

4 A I work for the County Clerk's Office in the
5 Reproduction Section.

6 I am the supervisor.

7 Q How long have you been a supervisor of the
8 reproduction unit of the County Clerk's Office?

9 A Two and a half years.

10 Q Do you know Mr. Peter J. Talmachoff?

11 A Yes, sir.

12 Q Do you know a Mr. Guy Tracy?

13 A Yes.

14 Q All right; sometime after the Sirhan case had
15 been concluded, in the sense that the guilty verdict had
16 been rendered and the death penalty verdict had been returned,
17 did you ever have occasion to go into Mr. Sharp's office for
18 a meeting there?

19 A Yes, I did.

20 Q Do you recall when that was?

21 A I believe it was a few days before the sentencing
22 of Sirhan.

23 Q Who was present at this meeting?

24 A Mr. Talmachoff and Mr. Sharp, Mr. Sid Rogers, who
25 was my immediate supervisor. I can't recall, possibly one or
26 two others -- possibly Mr. Hatcher, but I don't recall.

27 Q What was the purpose of the meeting?

28 A After the sentencing of Sirhan, Judge Walker wanted

1 us to reproduce some of the documents of the trial and we had
2 the equipment to make the copies.

3 The reason for this is, I believe, that he didn't
4 want the public to touch the original evidence and so by us
5 doing the copies the public could see the copies of certain
6 documents.

7 Q Sir, during that meeting were you told that
8 Judge Walker had made a certain court order to that effect?

9 A Yes; he had issued or would issue it.

10 Q Was the existence or the contemplated existence
11 of the court order discussed at that meeting?

12 A Yes; like I have said.

13 Q Would you tell us again what was said in that
14 regard?

15 A Well, when Sirhan was sentenced we were to make
16 copies so that the people could see the copies rather than the
17 original documents. That was the purpose of the meeting.

18 Q As a result of that meeting, what happened as a
19 result as far as your own duties were concerned?

20 A We waited for the documents to be sent down to
21 us.

22 Q Were they?

23 A Yes; I believe possibly a week later. I don't
24 remember but I think it was about a week or so later we finally
25 saw the documents.

26 Q Who brought them over?

27 A Tracy.

28 Q Did he bring them over to you?

1 A Yes.

2 Q Did you supervise the reproduction of these
3 documents?

4 A Yes, I did.

5 Q How careful were you?

6 A Well, they came over in boxes, I believe he
7 brought it over with a dolly and after he went through each
8 copy we matched it with the original to see if everything
9 was there and then we put it back.

10 Q When you say you compared it with the original,
11 do you mean to say if there was a multi-page document,
12 say in a book of some kind, you would check to see if you
13 reproduced each page of that book?

14 A Yes.

15 Q That was done carefully, was it?

16 A Yes, sir.

17 Q Now, I show you Grand Jury Exhibit Number 50,
18 and will you take a look at that and tell me if you recognize
19 that?

20 Let's strike that question.

21 You and I have discussed this document within the
22 past couple of weeks?

23 A Yes.

24 Q We had a meeting at your office?

25 A Yes, we did.

26 Q Did I show you this document?

27 A I believe you showed me this document here last
28 Tuesday, but I don't believe I saw that before.

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1 Q In any event, do you recall any material that
2 you were asked to Xerox or duplicate over at the Clerk's
3 Reproduction Unit that had the kind of spiral binding that
4 appears on this page that I'm looking at, which happens to
5 be Page 41?

6 A There was, as I recall, a spiral book and it was
7 the same as what I see right here.

8 Q Do you remember how many spiral notebooks you
9 had?

10 A I believe there were three.

11 Q Did you duplicate all three of them?

12 A Yes; we duplicated all three of them.

13 Q What makes you sure of that?

14 A Because of the fact that there was this spiral,
15 we had no way of taking it apart, so we just turned the pages
16 and kept it in the spiral.

17 Q So you went through those notebooks page by page
18 so that you did a complete job?

19 A Yes.

20 MR. HECHT: Thank you.

21 I have nothing further.

22 THE FOREMAN: Any further questions by any members of
23 the Jury?

24 If so, please write them out and they will be
25 directed to the witness through the Deputy District
26 Attorney.

27 Apparently not.

28 I'd like to caution you not to discuss or impart

1 at any time, outside of this jury room, the questions that
2 were asked of you in regard to this matter, or your answers,
3 until authorized by this Grand Jury or the Court to discuss
4 or impart such matters.

5 You will understand that a violation of these
6 instructions on your part may be the basis for a charge
7 against you of contempt of court.

8 Do you understand that?

9 THE WITNESS: I do.

10 (Thereupon, the witness, Donald Smith, was then
11 escorted from the Grand Jury Hearing Room by the Sergeant
12 At Arms.)

13 MR. HECHT: Mr. Talmachoff.

14 (Thereupon, the witness, Peter J. Talmachoff, was then
15 escorted into the Grand Jury Hearing Room by the Sergeant
16 At Arms.)

17
18
19 PETER J. TALMACHOFF,
20 called as a witness before the Grand Jury, was duly sworn
21 again, as follows:

22 THE FOREMAN: You do solemnly swear that the evidence
23 you shall give in this matter now pending before the
24 Grand Jury of the County of Los Angeles shall be the truth,
25 the whole truth, and nothing but the truth, so help you
26 God?

27 THE WITNESS: I do.
28

EXAMINATION (CONTINUED)

1
2 BY MR. HECHT:

3 Q Mr. Talmachoff, we've had some evidence that
4 during the course of storing the so-called exhibits in the
5 Sirhan case, they were stored in different locations.

6 Can you tell us where those different locations
7 were?

8 A When the exhibits were first brought from the
9 courtroom after the trial they were kept in Room 448 in the
10 vault in Room 448.

11 They were kept there because we were going to
12 reproduce exhibits and after the reproduction they were moved,
13 I believe for awhile they were in Room 444, which is simply
14 another exhibit room.

15 After that they were moved to 330 North Broadway,
16 which is the building next door to the Hall of Justice and
17 they were kept in Room 102, in what we call the death penalty
18 locker.

19 At the time of this third move, the storage was
20 not in locker form. The bins were there but we had to have
21 the doors fastened to them so that they became a locker and
22 there were problems about the doors but those problems ^{were} worked
23 out and these items were stored in that locker.

24 Q So that we're perfectly clear on what the public
25 had access to and what the public does not have access to,
26 does the public have access to Room 448?

27 A That is the entire premises of the Clerk's
28 Office.

1 Well, Room 448 is downstairs. And that's the
2 main office of the Criminal Division.

3 Q All right; where in Room 448 were the Sirhan
4 exhibits originally stored?

5 A That was in the vault.

6 Q Does the public have access to the vault?

7 A No.

8 Q Does the public have access to Room 444?

9 A No.

10 Q Does the public have access to Room 102 at
11 330 North Broadway?

12 A Generally, no.

13 Q When you say "generally", are there exceptions?

14 A We have certain exhibits that are very awkward
15 to move.

16 For example, I might state in the Kirschke case
17 we have a very large bed. We have the headboard, the mattress
18 and the box springs which make it difficult to carry it back
19 and forth and if I had someone who wanted to look at that
20 particular item I would find it more convenient to take that
21 person there rather than bring the whole thing up to Room
22 448.

23 But, generally speaking, we did not give the
24 public access to Room 102 at 330 North Broadway.

25 Q If you can't find one of your exhibits or one of
26 your Exhibit Custodian Clerks cannot find an exhibit in
27 Room 444 or Room 102 at 330 North Broadway, would you invite
28 a member of the public who had requested that exhibit to go

1 down to that room to help look for it?

2 A No, sir.

3 Q You and I had a conversation this morning?

4 A Yes.

5 Q Did you indicate at sometime you had received
6 something from Mrs. Nishikawa in connection with the Sirhan
7 inquiry that we are conducting?

8 A Yes, I did.

9 Q Would you show me what you have, please?

10 A Yes.

11 Q You're showing me one, two, three, four, five,
12 six pages, two of which are totally alike?

13 A Yes.

14 Q I'm going to take those six pages and just for
15 the purpose of marking them so that if we have to refer to
16 them we can do so, I'm going to staple them altogether and
17 mark them Grand Jury Exhibit 61 for identification.

18 MR. HECHT: May it be so marked?

19 THE FOREMAN: It may be so marked.

20 BY MR. HECHT:

21 Q When did you receive that document from
22 Mrs. Nishikawa?

23 A I would say approximately a week ago or within
24 a week.

25 I can't say for certain.

26 Q What representations did she make to you about
27 those documents, when she gave them to you?

28 A She said that she was looking through her notes,

1 I might say that after the case was over she stored certain
2 of her notes here, the rough minutes and lists in my office.
3 At that time she was looking through her notes and she found
4 these particular items and gave them to me.

5 Q I show you Grand Jury Exhibit Number 52 and I
6 wonder if you'll look through Grand Jury Exhibit 52 and you'll
7 notice on the pages there are some FBI notations and that
8 these FBI notations appear on opposite sides of the page
9 alternately.

10 They appear on the side of the pages with the
11 exception of what appears to be the reproduced items which
12 says, "People's 71 back side of front cover" which appears to
13 be at the bottom.

14 Have I noted that accurately?

15 A I haven't looked at all the pages but I believe
16 you are correct.

17 Q Outside of that page they all seem to have the FBI
18 notation on the side.

19 A Yes.

20 Q And the spiral ring on the page wasn't reproduced?

21 A No, sir.

22 Q And the FBI notations appear to be at the bottom
23 of the page?

24 A Yes.

25 Q At the bottom of the four reproduced pages?

26 A Yes.

27 Q And, that does not appear to be any kind of a
28 spiral binder?

1 A That's correct.

2 Q Mr. Talmachoff, do you have any information
3 whatsoever with respect to the disposition or present
4 location of the missing pages from Grand Jury Exhibit
5 Number 50?

6 A No, sir.

7 Q All right; do you have any information with
8 respect to the disposition or the present location of the
9 missing pages from Grand Jury Exhibit Number 52, right in
10 front of you?

11 A No, sir.

12 Q Do you have any information with respect to the
13 disposition or present location of the copy of the trial
14 exhibit, People's 71, one of the Sirhan notebooks, made by
15 Mr. Smith in the Clerk's Reproduction Unit in accordance
16 with Judge Walker's Court Order?

17 A I believe that Grand Jury Exhibit Number 50 is
18 that copy.

19 Q I don't believe it has been so identified during
20 the course of this proceeding.

21 Let me explain because I invite an explanation
22 from you in response to what I have to say.

23 Grand Jury Exhibit Number 52 has been
24 identified for us by Mrs. Nishikawa as being a document
25 that was another copy, I believe she testified, of Grand Jury
26 Exhibit Number 71-Alternate and she made these pen notations
27 on there which do not appear on the Sirhan notebooks.

28 A May I say something at this point?

1 I think that is not 71-Alternate.

2 I think there is another one, another set.

3 Q Where is that?

4 A That was checked out or returned to Officer
5 Patchett.

6 Q Do you have any receipt for that?

7 Let me indicate to you Mrs. Nishikawa indicated
8 that there was a receipt for a return to the Los Angeles
9 Police Department, but she never identified Grand Jury Exhibit
10 50 as an alternate copy; at least that is my recollection as
11 I stand here now.

12 A I have receipt Number 378188 which says,

13 "Book containing photocopy of People's

14 71, 71-Alternate"

15 and that was given to Frank R. Patchett of the LAPD.

16 Q I'll ask you to take a look at Grand Jury Exhibit
17 Number 52. It appears to have some original notations which
18 Mrs. Nishikawa has identified as her own.

19 Those notations do not appear on the original
20 Sirhan notebook?

21 A That's correct.

22 Q If you take a look at Grand Jury Exhibit Number
23 50 you'll find the same notations, at least as to those
24 pages that appear in those documents.

25 A Yes, I do.

26 Q Mr. Smith, of your Reproduction Unit, indicated
27 that he has reproduced the three notebooks, the original three
28 notebooks, none of which contain Mrs. Nishikawa's marks in the

1 upper right-hand corner.

2 My question is:

3 Do you know what became of the copy that was
4 reproduced by Mr. Smith of the original Sirhan notebook?

5 A No, sir, I only know what we have here.

6 May I make a comment?

7 Q What comment do you want to make, Mr. Talmachoff?

8 A I may be mistaken because I wasn't present with
9 Mr. Smith and Mr. Tracy when the so-called copy that you're
10 referring to was made.

11 We did have some samples where I had attempted to
12 make some copies from the notebooks 71 on our reproduction
13 machinery which is Xerox Number 914 and it did not do too
14 well.

15 As a matter of fact, excuse me, but there were
16 certain exhibit pages that had been marred as a part of the
17 chemical testing the FBI used.

18 I cannot say for certain but I believe it was my
19 intention to have the reproduction to be fully complete, and
20 maybe that the pages out of that Grand Jury Exhibit Number 52
21 were, in fact, more legible and more complete than those in
22 the original Exhibit 71.

23 Q I have the original or at least a photocopy of
24 71 and it does not reflect what you have just made reference
25 to.

26 A I may be in error.

27 Q At least I would want the Grand Jury to look at
28 it and make the comparison themselves.

1 Can you tell us, one of the Grand Jurors has
2 asked for you to give us in more detail what your background
3 in the Clerk's Office has been and more specifically what
4 your duties and responsibilities presently are as Chief of
5 the Criminal Division.

6 A I believe I gave a rather brief listing of my
7 assignments when I first appeared.

8 I am now in my 30th year in the Clerk's Office.
9 I began in the office in 1971 and at that time I was at a
10 lower clerical level.

11 In 1947 I became a court clerk and I worked in
12 the civil side for about six and a half years. Thereafter
13 my assignment changed and I was a court clerk in the criminal
14 divisions. I took care of the Master Calendar Court in
15 Pasadena and came back from there and I was assigned to the
16 Master Calendar Criminal Department in Los Angeles.

17 I have been assigned to criminal departments
18 and most of these were annual assignments.

19 After my assignment to a trial department I was
20 reassigned to the Juvenile Court, where I worked at the
21 Juvenile Court for close to two years.

22 From Juvenile Court I went to the Psychiatric
23 Unit. I worked there approximately 10 months.

24 I might say that I was assigned to what might be
25 called the tough assignments. They weren't the easiest
26 assignments available.

27 I think I have proven myself in those departments
28 and I was tried there and at various other tough assignments.

1 That was both to broaden my background in the
2 Clerk's Office and after the Psychiatric Unit assignment, I
3 was reassigned to Juvenile as the Clerk in Charge.

4 I remained in charge of the Juvenile operation
5 which, incidentally, was a part of the Criminal Division.

6 The Criminal Division, at that time, consisted
7 of what we have here in Room 448 plus the Psychiatric Unit
8 out at the County General Hospital, plus the Juvenile Unit,
9 the court set up out on East Lake Avenue.

10 At that point, 1955, I became the person in
11 charge of the Juvenile Unit.

12 In 1966 I was promoted to Assistant Division
13 Chief.

14 In 1963 I was promoted to Division Chief and
15 I remained Division Chief over all of these units until
16 approximately 1966.

17 I had, at one time prior to 1966, made a
18 recommendation that the units be split so that the division
19 would not consist of the Criminal Division plus the Juvenile
20 portion plus the Psychiatric portion.

21 It was getting unwieldy for the Division Chief
22 to maintain contact, for several reasons.

23 The work is quite different in each one of these
24 sections and they are not really related and the geographical
25 locations are wide-spread.

26 So -- but, in any event, from 1966 the division
27 was divided up so that the Criminal was split from the
28 Juvenile and the Mental Health portion and since 1966 the

1 Juvenile and the Psychiatric Division have been under my
2 supervisor's control.

3 As far as the duties are concerned, until just
4 two years ago I was not only responsible for the division but
5 we had divided up the work of the Criminal Division so that
6 I remained in direct charge of the Court Clerical Unit and
7 my Assistant Chief was in charge of the office portion.

8 Just recently we had an additional person become
9 what we call the Head of Court Services and that person is in
10 charge of the Court Clerical group. So I don't have the direct
11 contact with the Court Clerical Group that I once had.

12 As a part of my duties I have three levels of
13 supervision above me, which whom I must maintain contact and
14 liaison.

15 We have many meetings, discussing the departmental
16 policies, working out the departmental policies, correlating
17 division policies with those of the different departments.

18 I'm responsible for maintain liaison between the
19 division and other county departments.

20 I deal -- this past week, for example, I had a
21 meeting with the Assistant Chief of the Bureau of Criminal
22 Statistics, who came down from Sacramento with a team of two
23 others, and I have to deal with the Judges.

24 I have to deal with the Appellate Court, with the
25 Supreme Court. I deal with the Probation Department and also
26 with certain internal departmental policies.

27 I deal with other state agencies. Besides the
28 Bureau of Criminal Statistics, I deal with the CII,

1 the California Bureau of Identification and Investigation

2 I have to respond to inquiries made by the
3 Board of Supervisors and I have to respond to inquiries made
4 by the County Counsel.

5 I have to respond to inquiries made by members of
6 the Chief Administrative Office.

7 During the past year I have been in what is
8 known as the R.J.I.S. Project, which is concerning Regional
9 Justice Information Service on a county-wide basis.

10 I've had occasion to review the work that has
11 been done as it relates to my division.

12 I might say that the parties participating in it
13 are not only criminally-oriented but that the civil is also
14 involved in this type of thing.

15 I have been involved in this review of the Court
16 Clerks that have full-time assignments on a full-time basis.

17 I have attended meetings for the past year and I
18 have been called personally to attend the meetings at the
19 Assistant Chief's request, where the R.J.I.S. Project is being
20 developed.

21 I have spent hours on different occasions
22 informing and discussing with them, being the object of the
23 subject -- no, not the object of the subject, but being the
24 person to respond because of my familiarity with the type of
25 questions that are involved in the criminal court process.

26 Within the local operation I have been consultant
27 to the department on criminal matters and matters referring to
28 the criminal court clerks. We have a number of districts that

1 are decentralized and that is operated on a decentralized
2 basis.

3 Once upon a time we were the depository for all
4 criminal work and we received the work product of all the
5 districts and we did the processing here.

6 The districts have been decentralized and,
7 however, the staffing at most of these districts are not
8 as familiar with the criminal aspects as I am and I have
9 been the department consultant on criminal court and
10 clerical procedures, and the office procedures that relate
11 to criminal processes.

12 We continued to do the appeals work centrally
13 and the bail posting and forfeiture centrally so we have
14 constant contact with them in those particular areas.

15 I have occasionally been contacted relative to
16 just central court clerical problems.

17 Q How many employees do you have in your division
18 under you?

19 A Approximately 100.

20 Q Are they all located on the 4th Floor downstairs?

21 A No, sir.

22 Q Where are they located?

23 A The office staff is located downstairs on the
24 4th Floor, but they are in two different rooms.

25 The court clerical staff is scattered through the
26 whole of the Hall of Justice, and also the Brunswick Building,
27 which is a block and a half away from here, and the Old Hall of
28 Records where there are actual court proceedings being

1 conducted in the various courtrooms.

2 Q Let me go back to your meeting in Mr. Hatcher's
3 office that you and Mr. Don Smith attended in connection with
4 making plans for the reproduction of the documentary evidence
5 in the Sirhan case.

6 Was that after the discussion in chambers with
7 Judge Loring and Judge Walker, can you tell us that?

8 A I'm sorry; I don't recall the meeting.

9 Q Mr. Talmachoff, have you been able to locate any
10 other copies of pages from Mr. Sirhan's notebook that was
11 trial Exhibit Number 71 or any other pages relating to 71-
12 Alternate or any of these?

13 A The only pages I have are those that I said that
14 I made up myself in an attempt to evaluate the copying
15 capability of my machine.

16 Q They are copies solely made by yourself out of
17 natural curiosity on your part, in terms of the feasibility
18 of doing the reproduction within the criminal division, when
19 you found you could not, it went over to the Reproduction
20 Unit?

21 A Yes; and, as well, because our process was much
22 too slow for such volume work.

23 Q Do you normally secure your prospective employees
24 from the Civil Service Pool, or do you get them from some other
25 source?

26 A Ordinarily their employees are what we call on
27 the entry level and are provided by Civil Service.

28 On occasion a person may transfer from another

1 division to our division from some other county department;
2 but his initial recruitment would have been through the same
3 process, through a Civil Service list.

4 Q Do you have an operations manual for your clerks
5 down there that would include references to exhibit
6 custodian clerks?

7 A We have the exhibit manual, yes, sir.

8 Q How old is it in terms of revision dates?

9 A I first prepared the manual in either 1963 or
10 1964. The oldest version that I have now I cannot say for
11 certain whether it was '63 or '64 but I believe there have
12 been some minor changes made in it by one of my assistants.

13 Q How much freedom do you have in choosing
14 staff, particularly your exhibit custodian clerks, one of
15 the Grand Jurors wants to know?

16 A Well, if I may, I would like to give you a little
17 history of what we have done down here.

18 Prior to obtaining that classification of
19 criminal exhibit custodian, we had to select from clerks and
20 intermediate clerks and there was no separate classification
21 so as vacancies occurred we drew on our own experience as much
22 as possible, and by drawing on our own experience we had some
23 idea of their abilities and capabilities.

24 However, in 1967, I believe it was, I became
25 aware of the fact that the Sheriff's Department had personnel
26 doing work that was almost identical except, I think, that in
27 our case I think that our work was more important because our
28 items of property were exhibits, not just items of property;

1 and, as a consequence, I was finally able to convince the
2 Personnel Department and the Chief Administrative Officer's
3 Office that they should allow us this level, just as the
4 Sheriff's Department had people doing personal property work,
5 that they allow us this level for criminal exhibit custodian
6 which gave us an entry level for that position which was
7 higher than that of the clerical level.

8 We had an examination in 1969 and in the process
9 of that examination, I did have occasion to go to discuss with
10 the Department of Personnel, as did our personnel officer,
11 in trying to set up the standards for the examination.

12 As a matter of fact, I participated as one of
13 the oral interviewers during the examination.

14 The list that came out at that time was a highly
15 unfavorable list. It contained the names of people that we
16 had already had experience with and which we felt were quite
17 unsatisfactory.

18 I recommended that we appoint nobody from that
19 list. We dealt with the Civil Service or the Department of
20 Personnel staff trying to have the list vacated and
21 unfortunately the list wasn't vacated before its normal
22 expiration date, which was six months after it was first
23 promulgated.

24 In any event, we felt that this list was
25 entirely unsatisfactory and we decided to hold back any
26 appointments.

27 We had a second examination and we again discussed
28 with the Department of Personnel our problem and we had a new

1 examination and a new list and from this list we started to
2 make appointments.

3 Now, in the sense that the list has been
4 established, then I have nothing to say about who we pick
5 from this particular list.

6 Q Now, the people that you hire down there,
7 particularly Exhibit Custodian Clerks, do they take Civil
8 Service examinations?

9 A Yes, sir.

10 Q As you sit here, do you have any knowledge of
11 any irregularities whatsoever and that term should be
12 interpreted by you in the broadest sense possible, in
13 connection with the handling of the Sirhan exhibits on the
14 part of anyone in the Clerk's Office during the length of
15 time you have been down there, since those exhibits came into
16 your care, custody and control?

17 A If you're talking in the broadest sense I really
18 don't know exactly how to answer that because we have found
19 clerical errors when we went through the viewing slips --
20 incomplete dates and that sort of things.

21 Aside from this discovery you indicated the other
22 day that Mr. Buckley had said something to the effect that
23 I had said that he shouldn't have shown something to someone.
24 I don't know what it is or specifically what you're referring
25 to at the time, what item it may have been and if I had my
26 recollection refreshed, I might be able to say that is one of
27 those type of situations, but, unfortunately, I do not recall
28 the situation.

1 Q Setting that event aside if it occurred at all,
2 do you have any other information?

3 A I'm trying to think of what I think is the
4 context of your question, I can't think of anything else.

5 Q One of the Grand Jurors would like to know
6 what reforms, if any, would you recommend for the County
7 Clerk's Office to adopt as a result of this investigation?

8 A Well, one of the immediate things we have to do
9 and this goes without saying, is to have a personnel improve-
10 ment.

11 One of the things I failed to state when I talked
12 about getting that new position is that we were given the
13 position of senior exhibit custodian clerk and then five or
14 six positions of criminal custodian clerks.

15 We had hoped in getting this position that we
16 would fill them at least we hoped we could develop our own
17 supervision to the top level.

18 In my opinion we do not have anybody out of the
19 group who can satisfactorily fill the position of supervising
20 criminal exhibit custodian clerk.

21 That is a fairly high level position. It requires
22 a person of a great deal of ability, sense of responsibility,
23 initiative, and it requires ability to not only work -- and I
24 don't mean that person does physical work -- but it requires a
25 person to be an energetic person and it requires him to have
26 a pretty fair academic type background because he is going to
27 have to communicate.

28 I don't feel we have a person who is capable,

1 I don't think we have anybody in the exhibit custodians who can
2 now fill this particular spot, and I don't think we should
3 continue to try to develop it out of our current crew.

4 I don't think that any one of the current staff
5 is ready for that position and I think that none of them would
6 develop to that respect.

7 Q What do you pay the exhibit custodian clerks?
8 What is their present salary range?

9 A Well, you know we have different steps and I
10 can't tell you what the salary ordinance is or the exact
11 rate of pay without the schedule.

12 It is a five-step and I think the top step runs
13 over \$700 a month.

14 The last step for the supervisor of the criminal
15 custodian clerks runs over \$900 a month, and in the clerical
16 area that's a pretty good level of pay and that's why we feel
17 we're entitled to get a person of substance and ability for
18 that particular level.

19 Q Do you feel that you have received all the
20 assistance necessary from Mr. Sharp?

21 A I think we have to get that type of position,
22 and it is an activity that is not dependent solely on our
23 department. It requires liaison and selling the idea to the
24 Chief Administrative Office and it requires selling it to the
25 Department of Personnel so that they can appreciate the level
26 of importance of a particular position.

27 Q I don't think this question refers to that
28 particular activity.

1 I think it was asked in a broader sense, if I
2 interpret the question correctly.

3 A May I have the question again?

4 Q Do you feel in connection with your duties and
5 responsibilities you have received all of the cooperation
6 and assistance you believe you needed from Mr. Sharp?

7 A Well, I would say yes because I know the
8 limitations of a department head and I know the difficulty
9 he has in getting his budget requests through with the
10 Chief Administrative Officer.

11 I realize because I ask for something I'm not
12 going to get it and sometimes it takes a couple of years to
13 get it.

14 I have had past problems and I've had that back
15 since about 1965. I started to explain about the past.
16 We definitely felt that the personnel was inadequate, and we
17 made these attempts to up-grade the position, and we also
18 made attempts to get more space so that we wouldn't be so
19 crowded and that we could handle the exhibits in a proper
20 manner.

21 I don't know what dealings Mr. Sharp has had
22 with the Chief Administrative Officer's Office. I know he
23 was eventually able to get us additional space in the room
24 downstairs, I know he did get that for us.

25 Q One of the Grand Jurors wants to know how does
26 Mr. Cabell's position relate to your particular position?

27 A Mr. Cabell is the Chief Deputy and that makes him
28 the number two man in the entire department.

1 It places him a level above my immediate super-
2 visor.

3 Q When Mr. Hatcher left, there was an examination
4 for Chief Deputy County Clerk?

5 A Yes.

6 Q Did you take that examination?

7 A Yes, sir.

8 Q One of the Grand Jurors is inquiring whether you're
9 satisfied with the work of Mr. Buckley?

10 A Not quite, no, sir.

11 Q In what respects, sir, are you not satisfied
12 with his work?

13 A I think Mr. Buckley has a problem in what we call
14 follow-through.

15 It's one thing to tell people to do it and it's
16 another thing to make certain they do it.

17 In our present arrangement, myself being somewhat
18 removed from the direct operation, I cannot follow-through
19 with the work of each individual employee. I would expect the
20 Acting Supervisor, and that is what Mr. Buckley is, to follow-
21 through, to make sure that all of the clerical activity that
22 is a part of the entire process is being followed through.

23 I think that Mr. Buckley has some things to be
24 said in his favor.

25 I would say that he has done some good things.
26 I don't mean to say he is an out-and-out loss.

27 When Mr. Buckley first came in, he inherited a
28 situation that was a very crowded situation. He inherited a

1 brand new group of employees and he inherited the problem of
2 training this brand new group of employees.

3 So he had a situation where the prior supervisors
4 were in some cases unable to see the forest for the trees.

5 He was able to reorganize the work areas so that
6 the work could be done without people bumping into each other,
7 well -- this is kind of hard to describe the situation, but he
8 was able to rearrange the work area so the people could work
9 more directly, whereas, before, they were just bumping into
10 each other and crowded into each other.

11 Q Having in mind Mr. Buckley's deficiencies or
12 alleged deficiencies, what efforts did you personally make,
13 because of some of the deficiencies of Mr. Buckley to make
14 the personnel more aware of the problems, or at least more
15 aware of it than they were before?

16 A I might say we would like to fill this top
17 position and that, I feel, is a high-powered position and I
18 don't think that Mr. Buckley at this time has developed
19 sufficiently to the point where he can handle that level.

20 I think, under other supervision, that the
21 custodian clerks might do better.

22 Q One of the Grand Jurors wants to know if you're
23 satisfied with Mr. Walker's performance?

24 A I think Mr. Walker is one of the best employees
25 I have in the division. I think he has more potential than
26 anybody else in the division and I went out of my way to get
27 Mr. Walker into that division and I am highly pleased with
28 him.

1 Q If the department requires a senior exhibit
2 custodian, what are the duties and responsibilities of the
3 chief and assistant chief custodian?

4 A Would you repeat that, please?

5 Q I'm reading from one of the questions submitted
6 by a Grand Juror.

7 If the department requires a senior exhibit
8 custodian, what are the duties and responsibilities of the
9 chief and assistant chief custodian?

10 A I think that is in error.

11 We don't have a chief or assistant chief
12 custodian.

13 In the exhibit operation we have a supervising
14 exhibit custodian and at the present we have an acting
15 supervising custodian and that is Mr. Buckley.

16 The supervising exhibit custodian is acting as
17 the senior exhibit custodian at this time.

18 Q Would it be inappropriate to refer to him as
19 the chief custodian?

20 A If you're talking in terms of functional title
21 rather than classification, I think that would be a correct
22 expression.

23 Q What difference is there between this functional
24 title and the title of senior custodian that you're describing?

25 A Well, at this particular time that is one
26 and the same thing. But, eventually, the top boss-man of
27 the unit would be the supervising exhibit custodian clerk.

28 Q One of the Grand Jurors asks if you have any

1 information whatsoever that would indicate that anyone in your
2 department has accepted monies or bribes in connection with
3 the handling of the Sirhan exhibits?

4 A No, sir.

5 Q Just to be sure, one of the jurors would like to
6 be sure again that your answer is absolutely clear.

7 Would you tell us, do you know of any
8 irregularities in handling the exhibits in the Sirhan case?

9 A No; I don't believe so except as I have
10 indicated here already. But there is one thing that I do
11 have in mind and I believe you referred that Mr. Buckley
12 made some statement where I said that he shouldn't have done
13 that.

14 I don't recall the incident and I don't recall
15 what exhibit you are referring to.

16 MR. HECHT: All right; I have nothing further.

17 THE FOREMAN: I'm sure there is no necessity to give
18 you the admonition as to the secrecy of your testimony before
19 this Grand Jury.

20 THE WITNESS: I'm sure I understand it.

21 THE FOREMAN: All right; thank you.

22 (Thereupon, the witness, Peter J. Talmachoff, was then
23 escorted from the Grand Jury Hearing Room by the Sergeant At
24 Arms.)

25 MR. HECHT: Mr. Foreman, I would like to offer all the
26 exhibits into evidence to bear the same numbers as they did
27 when they were offered for identification before the Grand
28 Jury.

1 THE FOREMAN: They will be so received.

2 MR. HECHT: I have no further evidence to produce,
3 sir.

4 THE FOREMAN: All right; we'll take a break for lunch
5 and resume at 1:30.

6 At that time the District Attorney may make a
7 statement to the Grand Jury, if he desires to do so.

8 MR. HECHT: Before we adjourn I would like to make one
9 further suggestion.

10 I know the question has been asked but I would
11 like to suggest that the Grand Jurors go down to the 4th Floor
12 and view the places where all these exhibits have been kept.
13 They have been kept in the vault on the 4th Floor and perhaps
14 in some other rooms and it might be helpful in the delibera-
15 tions.

16 THE FOREMAN: If any Grand Juror desires to go down and
17 take a look at the County Clerk's Office and the various rooms,
18 please go ahead and do so.

19 I understand that some of the Grand Jurors have
20 already done that.

21 I understand that your suggestion is that we do
22 that before your statement this afternoon.

23 MR. HECHT: I think it would be helpful, though it could
24 be done after but I was going to suggest it be done on a
25 surprise basis.

26 THE FOREMAN: Well, we won't have too much time to
27 surprise them.

28 Let's take a break and let's all try to get back

here by 1:30, if you will.

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THE GRAND JURY OF THE COUNTY OF LOS ANGELES
STATE OF CALIFORNIA

* * * * *

THE PEOPLE OF THE STATE OF CALIFORNIA,
Plaintiff,

vs.

SIRHAN BISHARA SIRHAN,

Defendant.

No. A-233,421

STATE OF CALIFORNIA)

SS..

COUNTY OF LOS ANGELES)

I, JULIUS KOLINER, an Official Court Reporter of the Superior Court of the State of California, for the County of Los Angeles, do hereby certify that I was on the 16th day of August, 1971, appointed and sworn to report in shorthand writing to the best of my skill and ability all the testimony and proceedings had in the above-entitled matter before the Grand Jury of Los Angeles County; that I did so report in shorthand writing all such testimony and proceedings; and that the foregoing pages are a full, true and correct transcript of said shorthand notes of said testimony and proceedings.

Dated this 7th day of September, 1971.

/s/ JULIUS KOLINER

Official Court Reporter.